

Exhibit D

EXHIBIT 1

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE UBER TECHNOLOGIES, INC., PASSENGER SEXUAL ASSAULT LITIGATION

Case No. 3:23-md-03084-CRB



REPORT OF JOHN CHANDLER, PhD

This Report relates to the following Wave 1 Cases:

**Case No. 24-cv-7940 (B.L.)
Case No. 24-cv-7821 (A.R.2)
Case No. 24-cv-7019 (LCHB128)
Case No. 23-cv-6708 (Dean)
Case No. 24-cv-4900 (WHB 832)**

SEPTEMBER 26, 2025

HIGHLY CONFIDENTIAL**Table of Contents**

	Page
I. Background, Qualifications, and Experience	1
II. Assignment	5
III. Summary of Opinions.....	6
A. Uber’s Safety-as-a-Brand	6
B. For Uber, Brand Perception Trumped Reality.....	7
C. Additional Opinions.....	8
IV. Methodology	8
V. Overview of Brand Formation and Strategies	9
A. Branding and the Marketing Funnel	15
B. The Tactics of Uber’s Branding: Channels.....	18
VI. Ethics in Branding and Marketing.....	20
VII. Uber’s Branding Strategies.....	22
A. Early Years (2009-2012): Safety Branding and Rapid Growth.....	24
B. Growth (2013–2016)	32
C. Company Reconfiguration and Continuation of Safety Branding (2017-2019)	54
D. Defending the Brand: Uber’s Safety Reports	73
E. The Brand Protection Pattern Continues (2020-2024).....	80
VIII. Statistical Analyses of Uber’s Safety Reports.....	91
A. Estimating the True Rate of Incidents	91
B. Situational Relative Risk	97
IX. Analysis of Uber Produced Communication Logs.....	99
A. CRM Communications from Uber with Jaylynn Dean.....	101
B. CRM Communications from Uber with [REDACTED]	103
C. CRM Communications from Uber with [REDACTED]	105
D. CRM Communications from Uber with [REDACTED]	107
E. CRM Communications from Uber with [REDACTED]	109
X. Reservation of Rights	112
Appendix D: Incident Estimates.....	113
A. Model Specification.....	114
B. Data Sources and Preparation	115
C. Inference and Diagnostics	115

HIGHLY CONFIDENTIAL

D. Results 118

E. Sensitivity Analysis 120

F. Reproducibility 121

G. Data Tables 121

1. Data Table 1: Estimated True Totals by Year and Incident Type
..... 121

2. Data Table 2: Reported, Disclosed, and Estimated Totals by
Period and Incident Type 130

3. Data Table 3: Estimated Fraction of Incidents Unreported by
Incident Type (2017–2024) 132

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I. Background, Qualifications, and Experience

1. I am a professor of marketing and have been a practitioner of marketing for twenty-five years. I have worked in analytics and data science since 1999 with a primary focus on digital marketing and branding. As I will elucidate below, I have been asked to assess areas of digital marketing in which I have particular experience. My academic work is centered on applied data science.

2. As of the fall of 2025, I am an Assistant Professor of Data Science in the School of Engineering at the University of St. Thomas. Prior to this, I was a Clinical Professor of Marketing in the College of Business at the University of Montana. Additionally, I am an adjunct professor at the University of San Diego and a Visiting Professor of Marketing at Universidad ORT Uruguay. I earned a Doctorate in Statistics from the University of Montana (2010), a Master's Degree in Mathematics from the University of Washington (1999), and an Honors Bachelor's Degree in Mathematics from Middlebury College, magna cum laude (1996).

3. Upon graduation from the University of Washington, I began working in marketing analytics with Avenue A, an advertising agency. At the time, Avenue A was the largest digital marketing agency in the world. I was the primary analyst for dozens of advertising clients who spent millions of dollars on marketing. I helped develop fundamental techniques for analyzing digital marketing performance. In 2000, we formed aQuantive, a holding company with Avenue A as one division. I joined the newly created second division, Atlas DMT ("Atlas"), a provider of digital marketing technology to the largest advertising agencies in the world.

4. At Atlas, where I became the sole Principal Analyst in the company's history, I had three main responsibilities: client analytics, "thought leadership" serving as marketing, and research and design on new products and product features. As a client analyst, I provided custom analytics consulting to our largest advertisers and agencies. From 2000 through 2007, I worked with dozens of agencies and hundreds of advertisers at all scales. I analyzed data from media plans across all marketing channels including display, search, video, and email. My responsibilities included helping these advertisers understand their marketing performance, optimize their spending, and determine how consumers were being influenced by their advertising. This work gave me a deep and foundational understanding of digital marketing, particularly how it was practiced on the "buy side," represented by advertisers. I worked with petabytes of data from all major publishers including stand-alone websites, ad networks, and, ultimately, exchanges.

5. At aQuantive, my research consisted of writing white papers for the industry and giving talks at industry conferences, generally in support of corporate marketing objectives. These white papers were highly scrutinized by my partners and competitors. The first white paper I wrote, "Online Holiday Shopping Patterns Revealed," appeared on the front page of The Wall Street Journal and was the first

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research to identify the phenomenon of “Cyber Monday.”¹ Often, my team transformed thought leadership projects, via a research and design process, into products or product features for our technology platform, Atlas.

6. After four years of work on the advertising side of the business (i.e., the “buy side”), in 2003, my team and I launched Drive Performance Media (“DrivePM”) on the “sell side” of advertising. DrivePM leveraged our technology and analytics to create an ad network, arbitraging unsold digital advertising inventory. I was responsible for building the first large-scale ad-allocation engines. This piece of software was responsible for monetizing the inventory that we acquired via direct and indirect deals. While working for DrivePM, I did foundational work in the data science underpinning advertising networks and exchanges. I was responsible for building models that estimated the monetization capacity of inventory and models that forecasted the volume of inventory we would have to sell. I built large-scale non-linear optimizers to maximize performance for advertisers and publishers, subject to thousands of constraints created by the different types of advertising deals. The creation of DrivePM presaged the programmatic display revolution and allowed me to work on data science problems fundamental to both demand-side platforms (“DSPs”) and supply-side platforms (“SSPs”). I was the first analyst to work on DrivePM and I had shared responsibility for developing algorithms generating tens of millions of dollars in profit.

7. I was the lead researcher on Atlas’s tool “Engagement Mapping,” which, when it launched in 2008, was the first large-scale multitouch attribution tool in marketing technology.² Multitouch attribution is a technology that allows advertisers to apportion the credit for sales across multiple touchpoints in the digital marketing funnel.³ My dissertation research involved building Cox proportional-hazards models with time-varying covariates to estimate the appropriate weights for these touchpoints. Multitouch attribution ultimately became the gold standard by which digital marketing campaigns were measured.⁴ The research white paper I wrote,

¹ The Wall Street Journal. “Consumers Are Likely to Turn to Web for Holiday Shopping, Analysts Say” (Nov. 21, 2001). Accessed July 13, 2025. <https://www.wsj.com/articles/SB1006378597369697160>.

² Microsoft. “Microsoft Broadens Availability of Engagement Mapping Reporting Tool to All Atlas Clients.” (Sept. 22, 2008). Accessed July 13, 2025. <https://news.microsoft.com/2008/09/22/microsoft-broadens-availability-of-engagement-mapping-reporting-tool-to-all-atlas-clients/>.

³ Salesforce. “Multi-touch Attribution Defined.” Accessed July 13, 2025. <https://www.salesforce.com/marketing/multi-touch-attribution/> (“Multi-touch attribution is a data-driven marketing approach that assigns credit to multiple touchpoints along the customer journey, providing insights into the effectiveness of various marketing channels.”)

⁴ Digiday. “WTF is multi-touch attribution?” (Aug. 30, 2019). Accessed July 13, 2025. <https://digiday.com/marketing/what-is-multi-touch-attribution/>; Studies using Multitouch attribution models: Li, H. (Alice), and Kannan, P. K. (2014) “Attributing Conversions in a Multichannel Online Marketing Environment: An Empirical Model and a Field Experiment.” *Journal of Marketing Research*, vol. 51, no. 1, pgs. 40-56. <https://doi.org/10.1509/jmr.13.0050>; Berman, Ron. “Beyond the

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“Measuring ROI Beyond the Last Ad,”⁵ was a reference work for subsequent tool developers.⁶

8. aQuantive was acquired by Microsoft in 2007, and I joined the research team at Microsoft Advertising, as part of Microsoft’s Advertiser and Publisher Solutions (“APS”) division. At this time, it was part of Microsoft’s strategy to provide tools for large advertisers,⁷ though it ultimately sold the assets to Facebook and stopped participating in the business of selling tools to large advertisers.⁸ As part of my work with Microsoft’s APS, I did foundational data science work on Bing, focused on maximizing monetization of search traffic on the platform. I did analyses and built models combining consumer data, behavioral data, psychographic data, and demographic data to maximize our inventory yield. I later worked on monetization at MSN, and I provided data science oversight for the billions of daily impressions we released to advertising exchanges. In 2010, I became Research Director at Microsoft

Last Touch: Attribution in Online Advertising.” University of Pennsylvania - The Wharton School, Mar. 24, 2018. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2384211; and, Zhao, K., Mahboobi, S. H., and Bagheri, S. R. (2019) “Attributing Revenue Across Online Advertising Channels.” *International Journal of Market Research*, vol. 61, no. 2, pgs. 124-125. <https://doi.org/10.1177/1470785318817682>.

⁵ Chandler-Pepelnjak, J. (2009) “Measuring ROI beyond the Last Ad.” Atlas Institute Digital Marketing Insight. (“Chandler-Pepelnjak (2009)”)

⁶ Marketing research papers and patent citing Chandler-Pepelnjak (2009): Kitts, Brendan, et al. “System and Method for Determining Effects of Multi-Channel Media Sources on Multi-Channel Conversion Events.” U.S. Patent No. 11,042,897, June 22, 2021; Anderl, Eva, et al. (2013) “Putting Attribution to Work: A Graph-Based Framework for Attribution Modeling in Managerial Practice.” *Social Science Research Network*, no. 2343077. July 13, 2025. https://www.researchgate.net/profile/Eva-Anderl/publication/258316917_Mapping_the_Customer_Journey_A_Graph-Based_Framework_for_Online_Attribution_Modeling/links/5c1cbe82458515a4c7eealcb/Mapping-the-Customer-Journey-A-Graph-Based-Framework-for-Online-Attribution-Modeling.pdf; and, Khan, Fawad, and Kamran Siddiqui. (2023) “The Importance of Digital Marketing. An Exploratory Study to Find the Perception and Effectiveness of Digital Marketing Amongst the Marketing Professionals in Pakistan.”

⁷ Microsoft Corporation. Form 10-K for the Fiscal Year Ended June 30, 2007. U.S. Securities and Exchange Commission, Commission File No. 0-14278. <https://www.sec.gov/Archives/edgar/data/789019/000119312507170817/d10k.htm> (“In fiscal year 2006, OSB launched adCenter, our proprietary advertising platform, and has since transitioned the advertising business in the U.S. and certain international markets to adCenter. In fiscal year 2007, we launched new online initiatives, including Windows Live Search™ and Live.com in 54 international markets, Live Local Search in the U.S. and U.K., beta versions of MSN Soapbox (expansion of the MSN Video experience), Virtual Earth™ 3D, Windows Live Hotmail, and others.”).

⁸ Meta. “Facebook to Acquire Atlas from Microsoft” (Feb. 28, 2013). Accessed July 13, 2015. <https://about.fb.com/news/2013/02/facebook-to-acquire-atlas-from-microsoft/>; Tech Crunch. “Facebook Confirms It Will Acquire Atlas Advertiser Suite from Microsoft To Close The Ad Spend Loop” (Feb. 28, 2013). Accessed July 13, 2025. <https://techcrunch.com/2013/02/28/facebook-acquires-atlas/>.

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TV. In this capacity, I was responsible for the analysis of a data set of four million households having a cable set-top box with our software on it. We used the information from these set-top boxes to arbitrage television advertising inventory.

9. After leaving Microsoft in 2012, I founded a data science consulting company, Data Insights, which has provided enterprise-class marketing, branding expertise, and data science to dozens of clients on the buy side and sell side.⁹ A sample of our larger clients include LinkedIn, General Mills, Thrivent Financial, Bulletproof Coffee, eBay, Expedia, Nike, Charter Communications, and The Sierra Club. In addition to these clients, we have worked with scores of smaller clients.

10. These small companies invariably have nascent brands, similar to Uber in its early days. My work routinely involves the formation of these brand identities, as well as setting the tactical approaches to promulgating that brand in the marketplace. Additionally, in the course of our consulting work, we build statistical models and methodologies for a wide variety of business applications. Many of these projects relate to marketing analytics and branding. I have worked with digital marketing data consistently during the entire period I have consulted.

11. I have had numerous consulting engagements that allowed me to work with ad tech companies, typically working on marketing measurement. These relationships have afforded me perspectives similar to those that I enjoyed at Atlas—working across hundreds of advertisers and seeing the data they receive, the challenges they face, and understanding their position in the complicated digital advertising landscape.

12. I am professionally and academically engaged in the fields of advertising, marketing, corporate branding, product branding, marketing analytics, marketing measurement, the application of data science to marketing, ad tech, and the ad tech ecosystem. I have worked with companies on the buy side with annual marketing budgets ranging from under \$100,000 per year to those with budgets in the billions. Furthermore, I have worked with four of the companies whose advertising budget is in the top ten in the U.S. as measured by Ad Age.¹⁰

13. In addition to my professional experience, I have academic experience relevant to advertising ecosystems, advertising measurement, and programmatic display advertising. In my dissertation, I applied the tools of statistical learning to

⁹ Data Insights, LLC. “About Page, John Chandler”. Accessed July 13, 2025. <https://www.datainsightsllc.com>.

¹⁰ Advertising Age. “Largest advertisers in the United States in 2022 (in billion U.S. dollars).” Chart. June 26, 2023. Accessed July 13, 2015. <https://www.statista.com/statistics/275446/ad-spending-of-leading-advertisers-in-the-us/>.

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web-scale data sets and built advanced attribution models on millions of records to understand marketing effectiveness.¹¹

14. In 2016, I co-authored *Algorithms for Data Science*, one of the first books on data science as a subject and the first textbook to collect and illustrate fundamental algorithms across both machine learning and statistics.¹²

15. For the last decade, I have taught a class to master's students called "Telling Stories with Data." The class, which uses works such as *How Charts Lie*,¹³ *Persuading with Data*,¹⁴ and *Effective Data Storytelling*,¹⁵ aspires to help students recognize when data presentation informs and when it misleads.

16. I have based my opinions herein on my education in statistics and my work experience in marketing and marketing analytics. I have also based my opinions on the historical documents and empirical evidence cited herein. I am being compensated for my work in this case at my customary rate of \$750 per hour and my compensation is not dependent on the opinions I reach. All the opinions I offer herein I hold to a reasonable degree of professional and scientific certainty. My curriculum vitae is attached to my Opening Report as Appendix A. Additionally, a full list of matters in which I have testified is attached to my Opening Report as Appendix B.

II. Assignment

17. I have been retained by Plaintiffs' counsel to provide expert opinions regarding Uber's branding strategies, execution, and communications around safety. Specifically, I have been asked to do the following:

- Offer a general account of branding practices that companies adopt to build brand identity and sell products.
- Describe Uber's branding strategies over time, in particular, the role of safety in their communication.

¹¹ Chandler-Pepelnjak, John Winston, "Modeling Conversions in Online Advertising" (2010). Graduate Student Theses, Dissertations, & Professional Papers. 670. <https://scholarworks.umt.edu/etd/670>.

¹² Steele, B., Chandler, J., & Reddy, S. (2016). "Algorithms for Data Science." Springer.

¹³ Cairo, A. (2019). "How Charts Lie: Getting smarter about visual information." WW Norton & Company.

¹⁴ Kazakoff, M. (2022). "Persuading with Data: A Guide to Designing, Delivering, and Defending Your Data." MIT Press.

¹⁵ Dykes, B. (2019). "Effective Data storytelling: How to drive change with data, narrative and visuals." John Wiley & Sons.

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- Analyze Uber’s branding and marketing strategies to assess whether advertising claims accord with the practices of a responsible company by industry standards.
- Compare public statements with company branding advertising strategy to determine whether these two are consistent with one another.
- Calculate the expected true rate of incidents based on the numbers publicly and internally reported by Uber using the rate of underreported incidents enumerated by the Bureau of Justice Statistics (“BJS”) and the Rape Abuse & Incest National Network (“RAINN”).
- Review and analyze the branded communications from Uber to [REDACTED], Jaylynn Dean, and [REDACTED] (collectively, “Plaintiffs”).
- Evaluate Uber’s disclosures on the relative risk of sexual assault and sexual misconduct incidents.

III. Summary of Opinions

18. The following list is a summary of the opinions I have reached in the course of preparing this report. All these opinions I hold to a reasonable degree of scientific and professional certainty. I have grouped my summary opinions into two major categories: Uber’s development of safety-as-a-brand and the way in which Uber allowed perception of safety to trump reality. Some of my opinions stem from these two categories.

A. Uber’s Safety-as-a-Brand

19. When launched, Uber faced a challenge related to the fears of potential riders related to getting in cars with strangers. To address this challenge, Uber developed branding messaging intimately tied to safety. The following opinions relate to Uber’s safety-as-a-brand:

- 1) Uber’s early marketing activity was dedicated to establishing its brand, fostering rapid growth, and allaying consumer fears about safety.¹⁶
- 2) One of the foundational qualities that Uber wanted to be associated with its brand was safety, and Uber advertised it persistently.

¹⁶ Safety refers to the actual and perceived protection of riders and drivers from physical harm, accidents, or other personal security risks while using the Uber platform.

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- 3) Uber saw safety as essential to its brand identity and as a tool to expand and retain its user base.
- 4) Uber targeted its marketing at specific groups, especially women, to expand its user base by building trust in its brand reputation as a safe company.
- 5) Uber's safety team operated within or in concert with the marketing department, rather than as a separate, independent entity.

B. For Uber, Brand Perception Trumped Reality

20. While building their safety-as-a-brand, Uber continually prioritized messages of safety that were divorced from the safety reality of riders. For Uber, safety was a “brand experience” and a “narrative” to be enhanced, as opposed to a series of operational and informational business decisions. The following opinions relate to Uber's prioritization of safety perception:

- 6) Uber's safety branding was generally focused on the *perception* of safety, rather than communicating accurate information about safety. Uber's safety branding was primarily measured internally via changes to consumer sentiment.
- 7) Uber's safety-as-a-brand strategies were often presented to employees without empirical information on driver and rider safety.
- 8) Uber's public communications and safety-as-a-brand marketing directly contradict or misrepresent its internal practices as a company.
- 9) Uber's safety messaging was ramped up in response to public scandals, and it was used to reinforce the brand image despite lapses in safety.
- 10) When Uber provided information as a part of its safety marketing, it provided, at most, general safety information, rather than information that would help users or potential users make informed decisions about risk levels of using its platform. That safety information was designed primarily to reassure, rather than inform, consumers.
- 11) Uber possessed trip and incident data that would allow it to make users and potential users informed about the relative risks of using its platforms. This information was not shared in transparent ways with consumers.

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C. Additional Opinions

21. Several opinions follow from these two major categories:
- 12) Uber's deployment of safety messaging fell below industry ethical norms.
 - 13) At Uber, safety became a rhetorical strategy to recruit both passengers and drivers, even when Uber's actions had demonstrated internally and externally that it was not as safe as its branding content repeatedly declared.
 - 14) When it severed its safety-as-a-brand marketing from the empirical reality of its safety practices and the prevalence of incidents on its platform, Uber's marketing team did not conduct itself responsibly.
 - 15) Uber's branding strategies and its marketing communications with the bellwether Plaintiffs repeatedly fell below ethical standards of the industry.
 - 16) Uber sent Plaintiffs extensive branded messaging touting the safety of the platform.

IV. Methodology

22. My methodology in formulating my opinions was the standard methodology I use in my professional and academic marketing and analytical projects. This process is sometimes referred to as the Cross-Industry Standard Process for Data Mining, abbreviated as CRISP-DM. The CRISP-DM process begins with understanding the business involved, and then proceeds through data understanding, preparation, modeling, evaluation, and deployment. This structured methodology is particularly well-suited to work analyzing large document repositories due to its systematic approach. This is a methodology I use and am familiar with as a data scientist and it seamlessly adapts to consuming a large amount of case information and synthesizing it into a report. This DM framework includes a standard set of steps: situational understanding, data understanding, data preparation, modeling, model evaluation, and deployment.

23. The situational understanding phase involves understanding the key issues contained in my assignment. Data understanding and data preparation require identifying relevant sources of information and organizing them.¹⁷ Next, the relevant case-specific information is combined with my experience and with relevant academic scholarship, and these elements combine to develop the opinions in my expert report.

¹⁷ Shimaoka, A., Ferreira, R. and Goldman, A. "The Evolution of CRISP-DM for Data Science: Methods, Processes and Frameworks" (2024). 10.13140/RG.2.2.22493.42721.

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24. In this engagement, I applied the CRISP-DM methodology as an organizing framework, treating the case record as the dataset from which my conclusions were derived. The “business understanding” phase is based on my extensive marketing experience, my assignment, and review of the complaint and other case materials. The “data understanding” and “data preparation” phases involved systematically examining the produced documents, marketing materials, deposition testimony, and other evidence, identifying relevant subsets, and structuring them into a form suitable for analysis. I develop a provisional outline for my report and, from that, perform keyword searches directly in the e-discovery program. In this case, the Everlaw repository has roughly 2.06 million documents. My searches were executed against all of them.

25. I reviewed documents responsive to my searches, downloading large batches for further review. Using techniques from text mining, a subject I have taught for over a decade, I reviewed the downloaded documents manually and programmatically. All told, I have reviewed over 10,000 documents in this case, including depositions.

26. In the “modeling” phase, I developed an interpretive model—an evidence-based narrative—linking Uber’s safety-related messaging to its underlying operational practices. The output of the modeling step is this report. Ultimately only a small fraction of the thousands of reviewed documents is cited in my report, illustrative examples of the themes and patterns I have uncovered. Appendix C of this report contains a listing of the materials I considered in drafting the report.

27. In sum, my opinions are based on my education; my professional experience in digital marketing, branding, marketing strategies, data science, and statistics; my review of case materials, including internal corporate documents and deposition testimony; my thorough review of the relevant academic literature; and my industry knowledge gained through my extensive work in marketing analytics and platform monetization. I considered the weight and totality of the evidence in arriving at the opinions stated in this report.

28. Additionally, in this report I have carried out quantitative analyses to estimate the true number incidents on Uber’s platform. The methodology for that analysis is explained in detail in Appendix D: Incident Estimates.

V. Overview of Brand Formation and Strategies

29. When a company launches, branding plays a crucial role in shaping its marketing strategy because it helps to establish a clear and memorable identity in the minds of consumers.¹⁸ The brand serves as the foundation for how the company

¹⁸ Chaudhri, V., Pridmore, J., & Mauck, C. (2022). Assembling the Start-up Brand: A Process Framework for Understanding Strategic Communication Challenges. *International Journal of Strategic Communication* vol. 16, no. 2, pgs. 206–221.

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presents itself to the world, influencing everything from visual design to tone of voice to customer experience. By creating a consistent and compelling brand presence from the outset, a company can generate awareness, foster trust, and lay the groundwork for long-term customer relationships.¹⁹

30. In any industry, and particularly in technology, branding is far more than a logo or tagline—it is the identity and reputation of a company in the minds of customers. A well-defined brand is essential for success in the competitive tech market. Key reasons branding matters include:

- **Differentiation in a Crowded Market²⁰:** Tech companies often face many rivals offering similar innovations. A strong brand identity helps a company stand out beyond just features, making it immediately recognizable and distinct to consumers.²¹ This differentiation guides customer choice, as people tend to choose brands they recognize and trust over unknown alternatives.²²
- **Building Trust and Credibility:** Technology products can be complex or novel, so consumers must feel confident in what they are buying. A strong brand conveys reliability and security, assuring users that the product will work as promised and their data will be protected. In an

<https://doi.org/10.1080/1553118X.2021.1976784> (“Arguably, an early focus on branding is pivotal to building organizational reputation and securing legitimacy.” Citations omitted.).

¹⁹ Keller, K. L. (2003). “Understanding Brands, Branding and Brand Equity. *Interactive Marketing* vol. 5, no. 1 pgs. 7-20 at 17. <https://doi.org/10.1057/palgrave.im.4340213> (“According to a customer-based brand equity perspective, building brand equity requires, in part, creating awareness of the brand; linking strong favorable [sic] and unique associations to the brand in consumers’ memory; eliciting positive brand judgments or feelings; and /or facilitating stronger consumer-brand connections and brand resonance.”).

²⁰ Romaniuk, J., Sharp, B., & Ehrenberg, A. (2007). “Evidence Concerning the Importance of Perceived Brand Differentiation.” *Australasian Marketing Journal (AMJ)* vol. 15, no. 2, pgs. 42–54.

²¹ Hamann, D., Williams Jr, R. L., & Omar, M. (2007). “Branding Strategy and Consumer High-technology Product.” *Journal of Product & Brand Management*, vol. 16, no. 2, pgs. 98-111 at 99 (“As a result, whilst companies nowadays use a brand name to represent them to the outside world, an increasing competition within the high-technology sector has led to a nearly saturated market and a high parity of products offered.”).

²² UBER_JCCP_MDL_001406648 at slide 10. Rides Positioning WIP (“Perceived Rider Attribute Differentiation (2018 Q3) There are a few that have key advantages for Uber (i.e. shortest wait), however, we are largely undifferentiated outside of price and time.”).

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industry where customer trust is paramount, a trusted brand reputation becomes a crucial asset.²³

- Customer Loyalty and Advocacy: Branding fosters an emotional connection that can turn one-time buyers into loyal advocates. When a brand resonates with customers (through its quality, values, or mission), those customers come back for repeat business and even promote the brand to others.²⁴ In tech, where new options constantly emerge, a loyal user base grounded in brand affinity can be a decisive advantage.²⁵
- Pricing Power and Premium Positioning: A respected brand signals quality. Customers often perceive branded offerings as higher quality and are willing to pay a premium for them. Strong brands can thus command higher prices or market share, directly boosting profit margins.²⁶
- Strategic Flexibility: A well-established brand provides a foundation for growth. It's easier for a trusted brand to expand into new products or markets because consumers will give the benefit of the doubt to a familiar name.²⁷ In technology, where companies often evolve rapidly, a strong brand identity acts as an anchor, making expansion and diversification more seamless.

²³ Morgan-Thomas, A., & Veloutsou, C. (2013). "Beyond Technology Acceptance: Brand Relationships and Online Brand Experience." *Journal of Business Research*, vol. 66, no. 1, pgs. 21-27 ("Interestingly, brand reputation emerges as an important antecedent of trust and perceived ease of use of an online brand."); UBER_JCCP_MDL_001257529 at 33. Uber Trust & Safety Roadmap (Mar. 21, 2017).

²⁴ Taylor, S. A., Celuch, K., & Goodwin, S. (2004). "The Importance of Brand Equity to Customer Loyalty." *Journal of Product & Brand Management*, vol. 13, no. 4, pgs. 217-227 ("The results suggest that brand equity and trust are consistently the most important antecedents to both behavioral and attitudinal forms of customer loyalty.").

²⁵ Giovanis, A. N., & Athanasopoulou, P. (2018). "Consumer-Brand Relationships and Brand Loyalty in Technology-mediated Services." *Journal of Retailing and Consumer Services*, vol. 40, pgs. 287-294.

²⁶ Dwivedi, A., Nayeem, T., & Murshed, F. (2018). "Brand Experience and Consumers' Willingness-To-Pay (WTP) a Price Premium: Mediating Role of Brand Credibility and Perceived Uniqueness." *Journal of Retailing and Consumer Services*, vol. 44, pgs. 100-107; UBER_JCCP_MDL_001406648 at slide 3. ("Define a Rides positioning for North America that differentiations our service, and drives consideration among non-users and preference among active riders, setting up the business for long term success.").

²⁷ Broniarczyk, S. M., & Alba, J. W. (1994). "The Importance of the Brand in Brand Extension." *Journal of Marketing Research*, vol. 31, no. 2, pgs. 214-228.

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31. One of the first steps for bringing a new company into the world is to establish the brand identity that it wants to present, followed by sharing that brand with the world. New companies typically begin by identifying a clear “position and purpose.” By answering questions such as “what problem are we solving?” and “what makes us different?”, companies can identify both their brand identity and their potential customers.²⁸ Brand positioning involves defining not just what the company does, but why it exists and what values it stands for.²⁹ A strong brand purpose helps differentiate the startup in a crowded market and provides a guiding narrative that can shape messaging, design, and product development. For example, many successful startups center their branding around social impact, innovation, or customer empowerment, using these themes to appeal to early adopters and investors who are drawn to mission-driven companies.

32. Another key strategy is developing a consistent visual and verbal language.³⁰ New companies invest in creating a memorable brand image and voice that reflects the company’s personality—whether it’s bold and disruptive, warm and human, or sleek and tech-forward. Consistency across platforms is critical, especially in the early stages when trust and recognition are still developing. This cohesive look and tone should be reflected across the website, social media, packaging, pitch decks, and any other touchpoints customers or stakeholders encounter.

33. New companies leverage storytelling and customer engagement to build brand identity organically.³¹ They often highlight customer success stories, and they invite their community to participate in the brand’s evolution through feedback and interaction. Early-stage companies frequently rely on social media, influencer

²⁸ *E.g.*, Uber discusses their early brand identity as part of a 2015 rebranding effort. UBER_JCCP_MDL_000260133.0184. Reputation Forward! (“We were seen as innovative, driven by impressive and courageous ambition. An ambition to break a broken transportation system and bring a valuable service to the masses.”).

²⁹ Avery, J. & Gupta, S. (2014). “Marketing Reading: Brand Positioning.” Core Curriculum Readings Series. Boston: Harvard Business School Publishing 8197. <https://www.hbs.edu/faculty/Pages/item.aspx?num=49151> (“Abstract The reading discusses how to craft a brand’s value proposition for competitive advantage, through analysis and synthesis of consumer, company, and competitive factors.”).

³⁰ *E.g.*, UBER_JCCP_MDL_002069369 at slide 60. 2015 Plan – Product Organization (Dec. 10, 2014) (“Work closely with Growth, Product, and City teams to align all copy and content efforts ensuring a consistent Uber brand experience.”).

³¹ Hong, J., Yang, J., Wooldridge, B. R., & Bhappu, A. D. (2022). “Sharing Consumers’ Brand Storytelling: Influence of Consumers’ Storytelling on Brand Attitude Via Emotions and Cognitions.” *Journal of Product & Brand Management*, vol. 31, no. 2, pgs. 265-278.

HIGHLY CONFIDENTIAL

partnerships, and user-generated content to amplify their message and create emotional resonance.³²

34. In the past two decades, the strategies that brands use to get their name out and appeal to consumers have evolved considerably. Prior to the advent of digital marketing, advertising looked more like the iconic, image-making game depicted in the TV show *Mad Men*. In that world, advertisers created catchy jingles, striking visuals, and memorable slogans, and they disseminated ads through channels such as newspapers, magazines, radio, television, and billboards. The companies that provided homes for advertisements, grouped under the term “publishers,” built audiences that were relatively homogenous. Soap operas were a place to air ads built to appeal to people at home during the day. The *Wall Street Journal* was the preeminent place to place ads aimed at those who work in finance. Businesses paid for ad placements based on estimated audience size, often relying on broad demographic data rather than on specific traits of individual audience members. Measuring the direct impact of these ads was challenging. Brands had to rely on surveys, modeling sales figures, and general market trends to gauge effectiveness. Unlike today’s data-driven digital ads, traditional advertising was a one-way communication, with limited interaction flowing back to the brands and from consumers.

35. One of the key differences between traditional and digital advertising is the notion of “addressability,” the power to target individual ads to potential consumers using data. “Push” notifications, in particular, enable advertisers to increase the frequency of their messaging by delivering real-time alerts directly to users’ devices, bypassing the need for users to actively engage with an app or website. This direct access allows advertisers to repeatedly place their content in front of consumers, often with minimal friction or effort on the part of the user. Because push notifications can be sent at any time and tailored to specific behaviors or preferences, they allow for a high volume of targeted advertising impressions throughout the day. This increased frequency helps reinforce brand awareness and encourages immediate engagement, making push notifications a powerful tool for advertisers seeking to maintain a constant presence in users’ attention.

36. As I delve more deeply into the operations of branding in its traditional and digital forms, it will be helpful to understand a few key terms for Uber’s branding efforts, particularly the concept of **targeting**. Targeting is a mechanism by which advertisers can narrow the scope of their advertising, seeking homogeneous groups of users to whom they may tailor messages. There is a constant tension between the size of an audience and similarity of its response to advertising offers. Virtually all marketers do some form of targeting. Retargeting, where advertisers show ads to people who have visited their website, typically has the smallest reach but the best

³² UBER_JCCP_MDL_005406389 at 11. College Pitch Deck (Jan. 25, 2012) (“Utilizing influencer voices to legitimize Uber, stressing price point and convenience, can be scaled to multiple platforms.”).

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performance. There are many other flavors of targeting as we increase the size of the audience, with the most general typically being targeting based on demographics (e.g., women between 35 and 54 years old) or geography (e.g., everyone in the San Francisco area). Many vendors will sell to “interest segments” such as pet owners, travel enthusiasts, or people in the market for a new car. The following list describes the major types of advertising targeting:

- **Demographic Targeting:** Involves segmenting the audience based on demographic factors such as age, gender, income, education, and occupation. This type of targeting is used to reach consumers who likely have similar needs, desires, or interests based on their demographic profiles.
- **Geographic Targeting:** Allows advertisers to deliver ads to users based on their geographic location. This can range from broad targeting such as country or state to more precise targeting such as city or ZIP code. Geographic targeting is particularly useful for local businesses or events.
- **Behavioral Targeting:** Based on the browsing behavior, purchase history, and other actions taken by the user. This form of targeting uses collected data to predict which ads might be the most relevant based on past online activity.
- **Contextual Targeting:** Ads are shown based on the content of the webpage that the user is viewing. If the content includes certain keywords, ads related to those keywords can be displayed. This ensures that the ads are relevant to the current interests of the viewer.
- **Psychographic Targeting:** Focuses on the lifestyles, attitudes, interests, and personality traits of users. This type of targeting attempts to comprehend consumer motivations and preferences on a deeper level, often using data from social media and other online engagements.
- **Retargeting (or remarketing):** Involves showing ads to users who have previously visited a particular website or used a specific app but did not complete a purchase or desired action. This is effective in nudging potential customers closer to a purchase.
- **Lookalike Targeting:** Targets new users who resemble existing customers in terms of interests, behaviors, and demographics. This is often used to expand reach while maintaining relevancy by tapping into

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new audiences who are likely to be interested in the advertiser's offerings.³³

These different types of targeting are regularly used by companies and were certainly employed by Uber. In the image below, you can see some of these targeting options available to Uber via social media platforms.³⁴

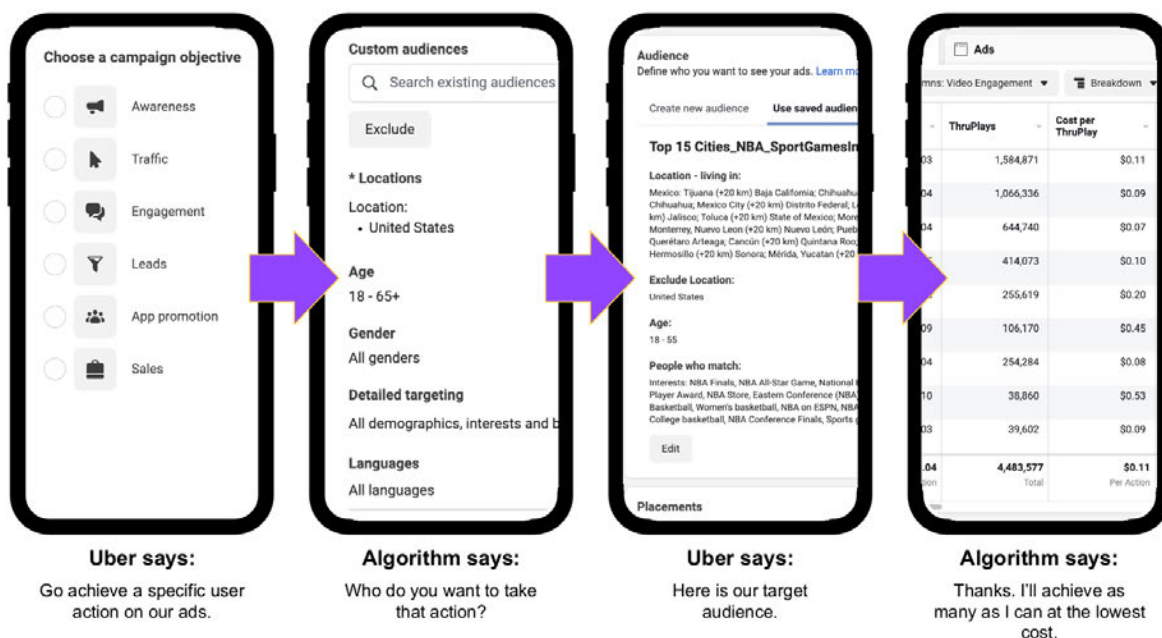


Figure 1. Uber presentation on social media advertising in a section discussing how algorithms around targeting are used for automatic optimization of campaigns.

A. Branding and the Marketing Funnel

37. One of the foundational conceptual structures in marketing is called the marketing funnel, which helps explain the stages consumers move through as they learn about products for the first time and later commit to them with purchases or loyalty. Also known as the purchasing funnel, or the advertising funnel, the marketing funnel is a classic framework that has been around for decades, first appearing in 1898. It therefore applies both to traditional marketing and digital marketing.

38. In one of its original forms, the marketing funnel, outlines four stages of marketing: awareness, interest, desire, and action (“AIDA”). Each of these sections

³³ Tyler, S., Pandey, S., Gabrilovich, E., & Josifovski, V. (2011). “Retrieval Models for Audience Selection in Display Advertising.” *ResearchGate*. pgs. 593-598.

³⁴ UBER_JCCP_MDL_002321504 at slide 34. Paid Social 2023.

HIGHLY CONFIDENTIAL

describes a stage in the process of appealing to consumers at various stages of the customer journey that leads from brand awareness to a purchase or commitment to a product or brand. The framework of the funnel helps marketers understand the different kinds of ads that are appropriate to consumers at different stages of product engagement. Below is an accurate, sample diagram³⁵ of this funnel:



Figure 2. The purchase funnel (aka marketing funnel) is commonly used in the marketing industry to track a customer's journey from awareness to purchasing of a product.

39. Customers do not necessarily move through all the stages of the advertising funnel in a linear or sequential way, and the funnel has evolved considerably since its original formulation to adapt to different kinds of markets and consumers. In general, the funnel helps convey and distinguish key practices in advertising campaigns and how they look in both traditional and digital media.

40. The first stage of the funnel is awareness. This is a stage where marketers work to increase brand recognition or awareness to broaden the base of potential consumers. Hence, the awareness face is the largest part of the funnel. At this stage, marketers adopt strategies that are intended to reach large numbers of consumers, typically at a low cost. In this phase, marketers might deploy classic offline advertising such as billboards in high-volume locations, for example, or broadcast media, such as television ads. Display advertising is well-suited to the stage of the funnel because marketers can reach many people at low cost via this channel. On the other hand, search advertising, being dependent on the behavior of consumers, is uniquely ill-suited for this stage of the funnel.

41. The second stage of the funnel is interest. At this stage, customers are aware of a brand but are looking to learn more about the brand. Therefore, marketers working in this part of the funnel adopt strategies that help to pique consumer

³⁵ Wikimedia Commons. "The Purchase Funnel" (undated). Accessed Aug. 12, 2025. <https://commons.wikimedia.org/w/index.php?curid=53843096>.

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curiosity or answer questions about the brand. At this point, content marketing is important, like the information that customers seek on a website or in testimonials. The landing pages of a company website can be very instrumental in this phase of the funnel. Non-branded search can be useful at this stage, as well as targeted display advertising.

42. The third part of the marketing funnel is desire. At this stage, marketers want to create appealing ads that help to heighten desire for products or brands. It is in this phase of marketing where it is often the catchy ads produced by the creative group of a marketing firm. In this stage of marketing, social media marketing and influencer marketing can help build enticing brands. Video can also be quite efficient at this stage of the funnel—video is effective at turning interest into desire, and it becomes a question of targeting to reach the desired audience.

43. The fourth stage of the funnel is action. At this stage, customers convert from advertising to using or embracing a brand or product. Marketers focus on making the brand accessible to consumers who are looking for it, so search marketing, particularly branded search, where marketers deliver ads that are intended to target consumers who are searching for their product online, often play a central role in this stage. Similarly, display retargeting, aimed at consumers who have visited an advertiser's site, can be highly effective here.

44. While the standard AIDA framework ends at “Action,” Uber's growth model required extending the funnel to encompass post-conversion engagement and retention. For a platform business, the first ride is not the end of the marketing process but the beginning of an ongoing relationship in which repeat use, loyalty, and advocacy drive profitability. Uber's post-action marketing blended functional engagement tactics—such as ride summaries, promotions, and product extensions—with safety-branded communications that reinforced trust and reduced attrition. In practice, this meant continuing to “nurture” converted customers through email and in-app messaging. These communications served to re-activate lapsed users, encourage habitual use, and cultivate a perception of reliability that kept riders in the ecosystem.

45. This extended-funnel approach also supported Uber's supply-side marketing. After onboarding, drivers were kept engaged through periodic incentives, reminders of earning potential, and similarly safety-themed updates. In both cases, the marketing goal after the initial action was to shift the user's mindset from a one-time transaction to embedded participation in the platform. For Uber, this meant maintaining a cycle of attention, reassurance, and prompting—so that “Action” flowed seamlessly into “Repeat Action” and “Advocacy,” maximizing both lifetime value and market share.

46. After someone purchases a product or service, the action phase of the funnel is also a place where marketers acquire information for future retargeting

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campaigns. Many funnels continue the diagram to include phases of the customer journey that turn a customer into a repeat customer and then a brand loyalist. Email marketing is one of the most effective tools to maintain a relationship with a consumer after they have become a customer.

47. Uber incorporated the funnel into their marketing planning³⁶, as this slide from their “2020 Kick-off Global Marketing” presentation illustrates:³⁷

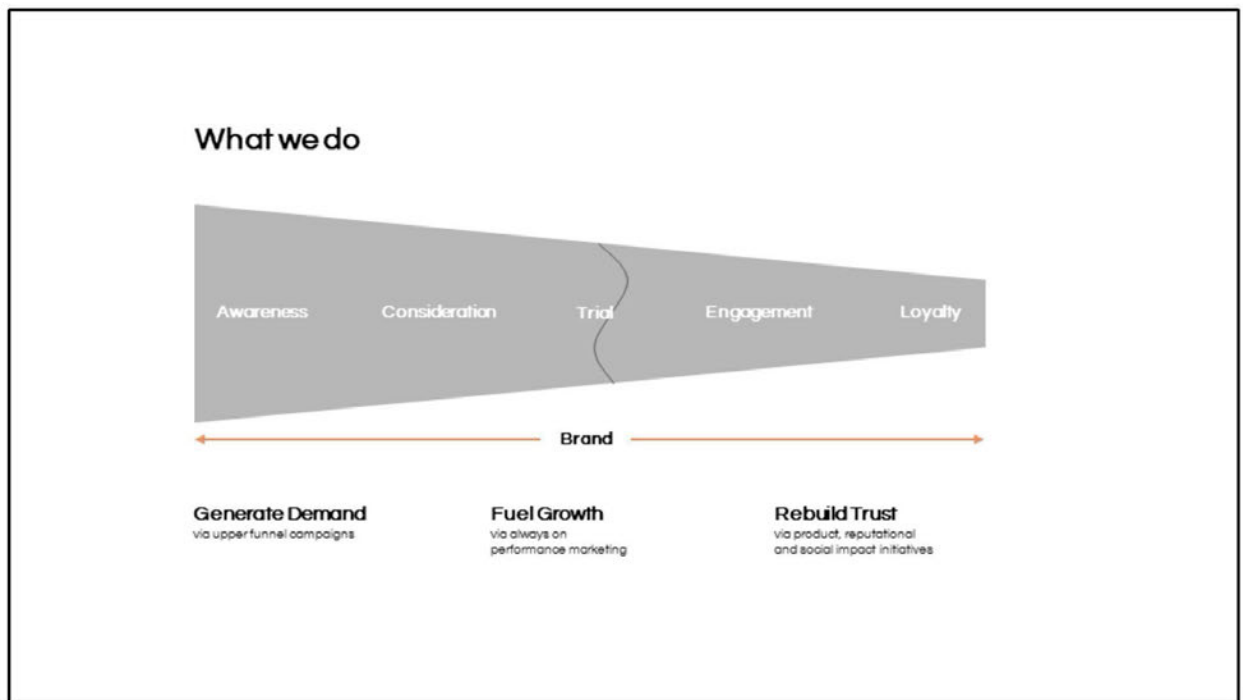


Figure 3. Internal branding funnel from Uber.

B. The Tactics of Uber’s Branding: Channels

48. Marketing is divided into “channels,” a term that denotes the various places advertising can be purchased. Marketers and academics alike recognize these channels—search, social media, digital video, and in-app advertising—as uniquely tailored tools within the marketing landscape, each requiring specific strategies and considerations. This understanding is widely accepted and not subject to significant debate, reflecting the consensus on the need for differentiated approaches to maximize the effectiveness of each channel.

³⁶ See, e.g., UBER_JCCP_MDL_002321504 at slide 24; UBER_JCCP_MDL_003628483 at slide 183. US&C Airports + Travel Ops (June 7-9, 2022); and UBER_JCCP_MDL_001616763 at slide 46. 2019 Marketing Plans (Apr. 18, 2019),.

³⁷ UBER_JCCP_MDL_000485724 at 5728. 2020 Kick-off Global Marketing (Jan. 22, 2020).

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49. Channels are differentiated across many facets of the business including the types of advertising formats that can be used, the audience that can be reached, the data that is known about that audience, the context surrounding the advertising, and the specialized skills needed by marketers to transact on the channel. The distinctions between channels can be illustrated by considering the three key aspects: the audience (who), the creative (what), and the context (where). Typical channels for an advertiser include search, display, digital video, in app, email, social media, influencer marketing, word of mouth, and referral programs. Uber utilized most of these channels in its marketing efforts.

50. In the 2016 marketing overview presentation, these channels are reflected in Uber's organization³⁸:

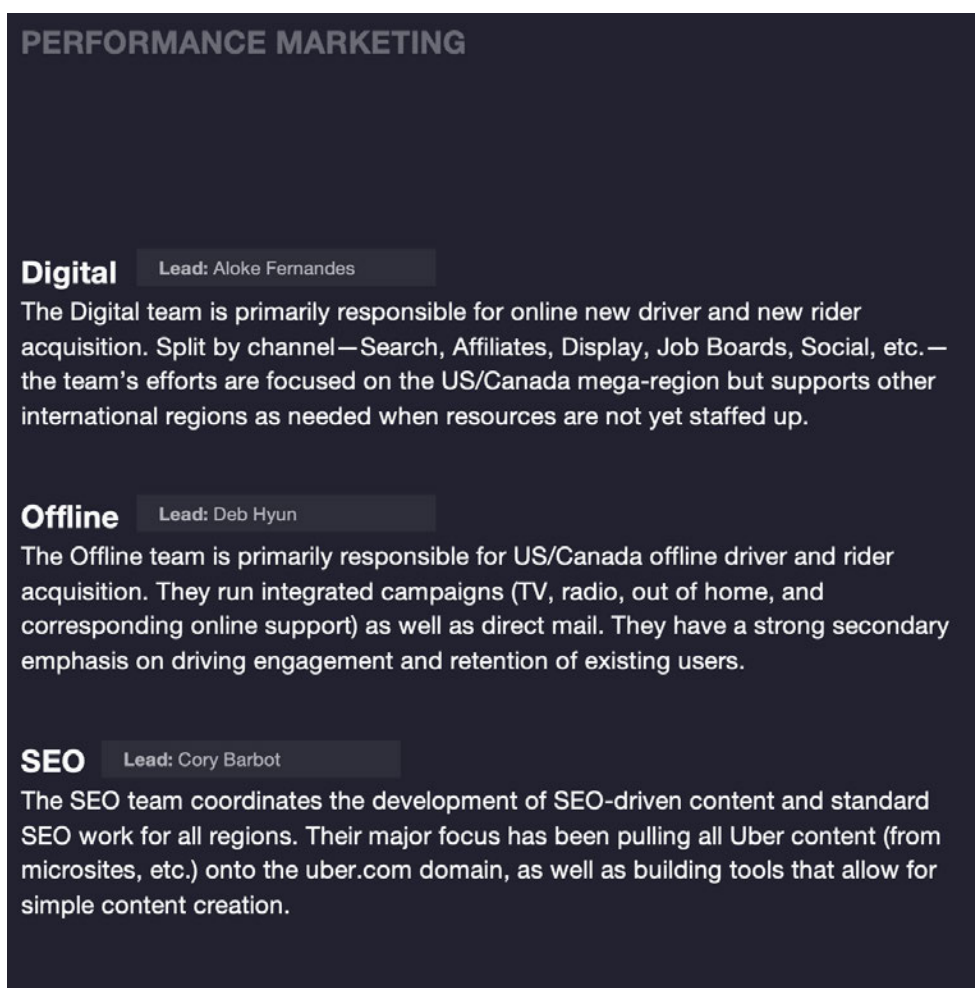


Figure 4. Example of Uber's marketing channels Uber employed.

³⁸ UBER_JCCP_MDL_002327552 at slide 15 (image cropped). Marketing Overview, Onboarding (Sept. 22, 2016).

HIGHLY CONFIDENTIAL**VI. Ethics in Branding and Marketing**

51. Ethics are an important part of the marketing industry and working professionals wrestle with ethical dilemmas. The American Marketing Association (“AMA”) publishes a set of ethical standards that capture the key tenets of marketing ethics.³⁹ I offer an account of these guidelines to support my opinions on industry practice.

52. The AMA statement of ethics articulates a set of principles guiding marketers to act responsibly and ethically in their professional activities. One key point is the notion that ethical behaviors are often learned through experience in the field, as marketers navigate the complexities of their industry. This practical learning is vital as marketers must integrate ethics into everyday decisions and strategies.

53. The statement of ethics includes a set of three principles, from which I will quote at length. Uber’s internal documents and testimony suggest that the company understands these basic principles.⁴⁰ The AMA’s statement begins:

As Marketers, we must:

- **Do no harm.** This means not only consciously avoiding harmful actions or omissions but also striving to benefit all stakeholders and society at large. We must embody high ethical standards and, at a minimum, adhere to all applicable laws and regulations in the choices we make.
- **Foster and maintain integrity.** This means striving for transparency and fairness in all aspects of the marketing ecosystem.
- **Embrace ethical values.** This means building relationships and enhancing stakeholder confidence by affirming these core values: honesty, responsibility, equity, transparency, and citizenship.⁴¹

³⁹ American Marketing Association. AMA Statement of Ethics (Updated May 2021). Accessed July 13, 2025. <https://www.ama.org/ama-statement-of-ethics/>. (“AMA Ethics”)

⁴⁰ Dep. Elizabeth Ross, 30(b)(6) Uber Technologies, Inc., June 11, 2025. Vol. I (“Ross 30(b)(6) Dep. Vol. I”) 191:3-14 (“Q. You came prepared to testify about Uber’s marketing effort, correct? A. Yes. Q. And you told me that you agreed that one of the things that’s important in Uber’s marketing is that that marketing be truthful, right? A. Yes. Q. That that marketing be accurate, right? A. Yes. Q. That the marketing not be misleading, right? A. Yes.”).

⁴¹ AMA Ethics.

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54. The statement continues with a discussion of the specific ethical values outlined in the final bullet point. The "Honesty" section of the AMA's ethical guidelines emphasizes the importance of truthfulness in all dealings with stakeholders. It advocates that marketing professionals reject manipulative tactics and ensure that all communications are transparent and uphold the trust of the audience. Furthermore, it highlights the need to deliver on both explicit and implicit commitments, ensuring that marketed solutions align with the claims made in their promotion. Uber's marketing corporate witness testified that she understood these principles and agreed under oath that it should adhere to them.⁴²

55. The "Responsibility" section emphasizes the need for marketers to recognize their social and environmental duties, especially as their influence grows. It stresses exceeding legal standards in protecting sensitive information and accepting the outcomes of their marketing choices. The "Equity" section advocates for diversity and inclusiveness within marketing teams and practices, urging respect for cultural differences and avoiding stereotypes in marketing materials.

56. The "Transparency" section of the ethical guidelines calls for openness and clear communication in all marketing activities. Marketers are encouraged to openly accept and incorporate feedback from various stakeholders, disclose potential risks, and fully inform on matters that could influence decisions. Conflicts of interest should be avoided, and contributions from colleagues and collaborators should be acknowledged, ensuring that all involved parties are recognized for their efforts in marketing projects. An Uber representative stated that "if we're not talking about a product accurately, ideally, we're not putting that in a marketing campaign."⁴³ As I discuss below, Uber did not disclose accurate information about potential risks and harms in its marketing.

57. The "Citizenship" section emphasizes marketers' broad responsibilities, including economic, legal, philanthropic, and societal duties that benefit stakeholders. It stresses the importance of valuing marketing's role in both business and broader society. Key focuses include striving for environmental protection, promoting sustainability transparently, and actively contributing to community welfare through volunteer work and donations. Importantly, the section advocates for compelling all

⁴² Ross 30(b)(6) Dep. Vol. I 191:3-14.

⁴³ Ross 30(b)(6) Dep. Vol. I 101:17-19, 100:21-101:10 ("Q. Okay. Now, would Uber agree that regardless of which of these channels it is - - it is putting its marketing into that - - that those marketing materials need to be accurate? A. Yes. Q. Okay. And Uber would agree that those marketing materials should not be misleading, right? A. Yes. Q. Okay. Uber would agree that the - - the claims that it makes in its marketing materials about rideshare, that those claims should be backed up by actual facts, right? A. Yes, as - - as much as we possibly can, yes, of course.").

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partners in the marketing ecosystem to adhere to fair trade practices, ensuring equity and fairness in production and trade processes.

58. Other industry ethical standards come from the Association of National Advertisers (“ANA”), which has published an extensive code for advertisers.⁴⁴ The ANA urges marketers to ensure their messaging “[c]learly, honestly, and accurately represents their products, services, terms, and conditions....” Disclosures must be “clear and conspicuous” and not “difficult to understand.” Put plainly, “[a]dvertisements that contain claims that are untrue, misleading, deceptive, or fraudulent should not be used.”

59. Both the AMA and ANA sets of guidelines highlight the ethical obligations of marketers to stakeholders and the community at large. While this guidance sets a framework for behavior within the industry, adherence to legal standards is enforced by entities such as the Federal Trade Commission (“FTC”). The FTC’s rules for advertising and marketing on the Internet, often referred to as the “Rules of the Road,” mandate that claims in advertisements must be truthful, not misleading, and substantiated to prevent deception.⁴⁵ The FTC emphasizes the importance of clear and conspicuous disclosures in advertising to ensure that consumers are not misled about the nature of the offer or product. This legal framework supports ethical guidelines by ensuring accountability and protecting consumer rights in digital and traditional marketing practices.

VII. Uber’s Branding Strategies

60. From its founding, Uber, like most modern technology companies, used marketing to forge its brand and build its business.⁴⁶ Branding is critical for companies such as Uber, which become dominant in an industry partially via network effects,⁴⁷ so that they can build a broad user base. After initially operating as a black car company, Uber’s business model soon became a peer-to-peer ride service, connecting individuals who needed rides with others who would drive them. Branding, and the

⁴⁴ ANA. ANA Ethics Code of Marketing Best Practices. Accessed July 28, 2025. <https://www.ana.net/content/show/id/accountability-chan-ethicscode-final>.

⁴⁵ FTC, Bureau of Consumer Protection. Advertising and Marketing on the Internet. Accessed July 31, 2025. https://www.ftc.gov/system/files/ftc_gov/pdf/bus28-rulesroad-2023_508.pdf.

⁴⁶ I describe the transition from UberCab to Uber in greater detail below.

⁴⁷ Network effects refer to the phenomenon where a product or service becomes more valuable as more people use it. For platforms like Uber, more riders attract more drivers, and more drivers reduce wait times and increase availability, which in turn attracts more riders—creating a self-reinforcing cycle of growth.

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tactical marketing that supported it, was the key to creating both supply, in the form of drivers, and the demand, in the form of riders.

61. A company's brand is a "name and/or design element intended to identify the goods or services of a company and differentiate them from competitive offerings."⁴⁸ Companies work hard to build brand identity because effective branding is valuable for driving sales. As of 2024, Uber's brand was valued at almost \$30 billion.⁴⁹

62. Central to Uber's effort was Uber's brand reputation around safety, particularly in relation to sexual assault. Issues with perceived safety were seen as an impediment to growth.⁵⁰ Safety was essential to the formation of Uber's brand because it addressed one of the most significant barriers to adopting ride-hailing services: trust. At a time when getting into a stranger's car felt inherently risky, Uber built its early reputation by framing itself as a safer alternative to traditional taxis. The cultural shift from a climate in which getting in a stranger's car would be regarded as inherently risky to one in which it is commonplace is due in no small part to large scale marketing campaigns like Uber's.⁵¹ As I explain below, throughout Uber's history safety has been integrated into brand identity.

63. The emphasis on safety was foundational to Uber's brand identity, allowing it to gain public trust and scale rapidly in cities around the world. Over time, and as I will explain below, as trust in Uber's brand faltered, it repeatedly reasserted its identity as a safe way to get a ride. Safety became a rhetorical strategy to recruit both passengers and drivers, even when Uber's actions had demonstrated internally and externally that it was not as safe as its branding content repeatedly declared. To see how safety branding and marketing became untethered from actual safety, such that its marketing was at times false, it is helpful to observe over time how Uber forged its brand identity as a safe company, how it adopted marketing strategies to

⁴⁸ Kotler, P., Keller, K. L., Ancarani, F., & Costabile, M. (2021). *Marketing Management* 16/e. Pearson.

⁴⁹ Brand Finance. Uber Reinforces Dominance Amongst Mobility Brands. (Feb. 21, 2024). Accessed July 28, 2025. <https://brandfinance.com/press-releases/uber-reinforces-dominance-amongst-mobility-brands> ("Uber remains the world's most valuable mobility brand, with a 28% increase in brand value to USD 29.7 billion, according to the latest report by Brand Finance, the world's leading valuation consultancy.").

⁵⁰ For instance, in a 2014 research study commissioned by Uber, the research firm states, "Doubts about Uber's safety are reaching high levels and are the main issue to address." See, UBER_JCCP_MDL_001617507 at 3. Uber User Tracking Research (Dec. 2014).

⁵¹ Calo, R & Rosenblat, A. "The Taking Economy: Uber, Information, and Power." *Columbia Law Review*, vol. 117, no.6. <https://columbialawreview.org/content/the-taking-economy-uber-information-and-power/>.

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disseminate its brand, and how it operated in a manner opposed to the claims it made in its branding and advertising.

A. Early Years (2009-2012): Safety Branding and Rapid Growth

64. Uber was founded in March 2009 by Garrett Camp and Travis Kalanick, originally under the name “UberCab.” The idea emerged after Camp and Kalanick became frustrated at the difficulty of hailing cabs in San Francisco. Camp imagined a simpler way to summon a ride via a smartphone.⁵² By mid-2010, UberCab launched a beta service in San Francisco, offering black car rides ordered through an iPhone app. At this point, Uber worked with Transportation Charter Party (TCP) licensed drivers.⁵³

65. One of the core issues that was central to Uber’s brand identity when it began was its safety. Because Uber was breaking into the taxi market and was an unknown service, it had to establish that it would not be risky to use its drivers. This safety imaging was especially targeted at women, and it was the kind of imaging that would be directed at plaintiffs repeatedly in the subsequent fifteen years. I can see this kind of thinking in the screenshot below from email correspondence sent on September 30, 2010.⁵⁴ Here, Uber CEO Ryan Graves remarks on a campaign to target “the female audience” specifically to convey the message that Uber is a safe way to get a ride:

⁵² Videotaped Dep. of Travis Kalanick. July 3, 2025. 23:10-15. (“Dep. Kalanick”) (“Q. Okay. And Uber was your idea? A. It was actually Garrett’s idea.”).

⁵³ Dep. Kalanick 25:4-8 (“Q. And they usually have chauffeur licenses; correct? A. Yeah. If you’re talking about black cars in San Francisco, they would have to have what’s called a TCP license, yeah.”).

⁵⁴ UBER_JCCP_MDL_002531877. Email from Ryan Graves [ryan@ubercab.com] to Rob Hayes [rob@firstround.com] re “Uber + Daily Candy.” Sept. 30, 2012 at 4:41 PM.

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Message

From: Rob Hayes [rob@firstround.com]
Sent: 9/30/2010 11:50:13 PM
To: Ryan Graves [ryan@ubercab.com]
CC: Brett Berson [brett@firstround.com]
BCC: ryan@uber.com
Subject: Re: Uber + Daily Candy

Connecting you with Brett to see who is best to make the intro. Can you send Brett a more detailed explanation of what you would do with DC?

On Sep 30, 2010, at 4:41 PM, Ryan Graves wrote:

Beautiful. We're going to do a campaign around the safety of Uber and target the female audience. What would be next steps?

RG

~

Ryan Graves
 UberCab, CEO
 @ryangraves
 312.860.7926

Figure 5. Uber CEO plans on targeting the female audience with a message around Uber's safety.

66. By October 2010, San Francisco issued a cease-and-desist order because Uber had not met the regulatory requirements to run a taxi service, and so the use of the word cab in the company name implied an unlicensed operation. Uber responded by rebranding the company as Uber and continuing to offer rides. This name change was confirmed in the deposition of Mr. Graves.⁵⁵

67. More broadly, that new name, Uber, had its origin in the term *Übermensch*, a superman, envisioned by the German philosopher Friedrich Nietzsche. The name therefore connoted something superior or better.

68. The media also reported on this rebranding later as it analyzed Uber's actions as a company. A May 2016 media roundup compiled by the communications department at Uber notes two places where reporters have observed the early name change. The first was in an article in Salon. The second appeared in a conversation on the podcast *AngelList Radio* between the host, Tyler Willis, and an early Uber investor, Jason Calcanis, who remarks on the name change. The instances of this are screenshotted below. They discuss the ways that the name change happens in part because Uber is trying to assert that it is a technology company (as opposed to a taxi

⁵⁵ Videotaped Dep. Ryan Graves, May 13, 2025. 180:22-181:12. ("Dep. Graves")

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company) and is therefore not subject to the same regulatory restrictions, many of which involve safety regulations, for drivers.

69. In Salon⁵⁶:

Salon last January articulated it well:

In case the import of this still isn't clear, I'll spell it out: one of the big claims of Lyft and its other ridesharing competitors, like **Uber** and Sidecar, is that the reason they should not have to follow the considerable regulations that govern taxi companies is because Lyft/**Uber** are not in fact taxi companies. According to their view of the world, they are a technology company. They only connect a driver with a passenger as an intermediary; they are a mere software broker of a deal between two separate parties, and so they shouldn't be regulated like a taxi company.

Look, they have said repeatedly, we don't even own any cars...so how can we be a taxi company? In fact, **Uber** changed its original name, which was **UberCab** when it was founded by Travis Kalanick and Garrett Camp in 2009, to **UberTechnologies** to provide that regulatory cover.

Figure 6. Uber email with excerpt of Salon article about Uber's name change from UberCab to Uber Technologies.

70. In the podcast interview⁵⁷:

Jason: [15:36] I was at a bar. TK and I, Travis, were friends for a long time. I knew him when I was a journalist when he did Scour, I knew him when he did Red Swoosh. We've been friends for a long time. I was at a bar on the [inaudible 15:55], some party some dude was having. We were walking out. He said, "Can I show you what we're doing?" I said, "Sure." I said, "Can I invest?" He said, "Sure."

[15:59] He said, "It's called **Uber** taxi." I said, "Why don't we just call it **Uber**?" He said, "Yeah, we're doing that." I said, "Oh. Can I get credit for that? I know you're doing it anyway, but can you give me credit for that, so that I can be like Sean Parker when he said, 'Drop the "the" from Facebook.'" Travis was like, "Sure, you can have credit for that, Jason." [laughs] Now I tell people that was my idea. It wasn't.

Tyler: [16:20] Drop the taxi.

Jason: [16:21] Drop the taxi, because it's not a taxi.

Tyler: [16:23] It's worth reflecting on the fact that these big investments really often come from informal settings. You were sitting down with Travis at a bar and that gave you the chance to be a seed investor in **Uber**, which is the best investment you've made so far.

Figure 7. Podcast transcript from an interview with Travis Kalanick.

71. Again, in this early stage, the company began positioning itself not as a taxi service, but as a technology platform connecting riders and drivers. The name change was a change in branding and marketing strategy that did not necessarily correspond to a change in conduct to meet regulatory or public safety rules—it was a change in the brand image to allow the company to avoid regulations and grow quickly.

⁵⁶ UBER_JCCP_MDL_001584753 at 765. Email from Carlie Waibel [carlie@uber.com] to Communications [comms@uber.com] and Policy [policy@uber.com] re "Uber News Clips for May 17, 2016." May 17, 2016, 12:08 PM.

⁵⁷ UBER_JCCP_MDL_001638758 at 808. Email from Ariella Steinhorn [Ariella@uber.com] to Communications [comms@uber.com] and Policy [policy@uber.com] re "Uber News Clips for March 23, 2016." Mar. 23, 2016, 12:31 PM.

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From the beginning, Uber asserted itself as a safe company while renaming itself to avoid complying with safety regulations in the industry.⁵⁸

72. In my opinion, Uber also appeared not to take real safety issues seriously. In April 2011, Graves collaborated on a draft blog post at Uber with two employees (Brian@uber.com and Austin@uber.com). The post is called “Avoid Getting Raped with 3 Easy Steps” (pictured below).⁵⁹ The tone of the blog is flippant and implies that one might avoid getting raped simply by making sure one is in an Uber as opposed to the car of a competitor. It also says that Uber wishes to “provide you with the ride of your life.” The language seems tone-deaf at best, if not an example of patronizing sarcasm and blatant disregard for the issue of potential sexual violence in its cars. As I will explain below, this kind of tone on matters of rape, sexual abuse, and sexual misconduct persists at least into 2016.

⁵⁸ UBER_JCCP_MDL_005427420 at 21. Email from Tawny Valentine [tvalentine@dolphingroup.org] to Policy Comms West [west-policycomms@uber.com] et al. re “SF Gate – In emergency meeting, Uber board weighs top executives’ fate.” Jun. 12, 2017 at 2:43 PM (“October 2010: The San Francisco Municipal Transportation Agency issues a cease-and-desist order, UberCab shortens its name to Uber.”).

⁵⁹ UBER_JCCP_MDL_004980939. Guide to Ubering Blog (Apr. 22, 2011).

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Title Brainstorm:

- How to spot an Uber
- Guide to Ubering
- Keeping it real: A Guide to Ubering

RG: Avoid Getting Raped with 3 Easy Steps

(Body)

Uber is blowing minds, changing lives and people are taking notice – namely those drivers who would fake the funk. What I mean to say is, we're hearing that some of you are taking rides only to find out later that the driver isn't with Uber! We can understand where some would want to poach our awesome clients, but we need your help ensuring you receive the Uber experience. So, here's a little guide to Ubering:

Communication is key. We use text messages to let you know when your car is arriving and give you the driver's phone number. If you find yourself confused as to which car is yours, give your driver a call and coordinate! Just yesterday I saw three or so black cars pull up, as it turned out, at least two of them were Ubers. Calling my driver, I was able to describe my backpack and Giants hat so he could pull up to me and not the other potential clients.

Check for the Uber iPhone. If calling your driver is not an option, once you get in the car, check to make sure there is an iPhone displaying the Uber app on the dashboard. Notice that the driver's app is different than yours. It should look something like this: (pic)

Identify your driver. In your Uber app or the SMS's we send, you'll have the drivers name. Make sure that you double check that the driver is in fact the one you've requested. Also, the drivers should be using your name to identify you. This two-way use of displayed names can avoid a lot of issues.

Lastly, please please please if you think you've hopped a ride with a non-Uber driver and want to avoid any cancellation fees or no-show penalties email us at support@uber.com.

We work hard at Uber to provide you with the ride of your life...every time...but we can't do that if you're in the wrong car! So call your driver if needed, check for the iPhone running the UberDriver app, and identify your driver by name. Now, sit back, relax and enjoy the ride.

Stay safe, Uber on!

Figure 8. Guide to Ubering blog draft from 2011 appears to make light of rape.

73. Tech startups prioritize rapid growth in their early stages, aiming to scale quickly and capture market share before competitors emerge. To support this goal, they create a disruptive brand identity. They also develop bold and targeted branding and marketing strategies designed to generate buzz, attract early adopters, and build a loyal user base. Uber adopted this kind of disruptive strategy.

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74. Uber launched in New York City in May 2011. On May 6, a woman was raped by a taxi driver in Brooklyn, in a case that attracted media attention.⁶⁰ For a company that strategized to persuade New Yorkers it was safe to get into a car with strangers, it was an inauspicious start. Uber, however, had a plan. Early marketing and planning documents for New York City from 2011 show the company adopting rapid growth marketing strategies such as luxury branding in major cities, coupons, and partnerships with high value brands, including restaurants, hotels, retailers, and bars. Uber also suggests that they get involved with STOP-DWI policy on a city level to have an impact on regulation.⁶¹ They focus on profit and growth and recognize the value of their data for further growth. The document states that:

The data that we will be collecting from our users is extremely valuable. We know where people are getting picked up, where they are going, and what time. We can immediately monetize this data through hyper-local, contextualized, coupon-based advertisements.⁶²

75. The same document celebrates the fact that Uber was able to increase the cost of a bus rental for Greek life on campus by 60% without significant complaint.

76. One significant figure in the formation of Uber's brand identity is one of its two founders, who also became the company's CEO for nearly a decade: Travis Kalanick. Kalanick embraced and advanced principles such as "always be hustlin'" at

⁶⁰ 6ABC. Cab Driver Wanted in Rape of Passenger in Brooklyn. May 12, 2011. Accessed Aug. 26, 2025. <https://6abc.com/archive/8126295/>; CBS New York. Taxi Drivers Join Forces with NYPD to Find Alleged Rapist. May 12, 2011. <https://www.cbsnews.com/newyork/news/police-say-theyve-arrested-taxi-driver-who-allegedly-raped-passenger/>; Kings County District Attorney's Office. Kings County District Attorney Kenneth P. Thompson Announces Sentencing for Convicted Rapist Gurmeet Singh. May 12, 2014. Accessed Aug. 26, 2025. <https://www.brooklynda.org/wp-content/uploads/2015/03/Gurmeet-Singh-Taxi-Rape-SENTENCING-05-12-14.pdf>

⁶¹ UBER_JCCP_MDL_004977435 at 38, 40, 42. Uber NYC Proposal (Jan. 18, 2011).

⁶² UBER_JCCP_MDL_004977435 at 41.

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the company.⁶³ Kalanick also adopted the Silicon Valley ethos, “move fast and break things.”⁶⁴

77. He repeatedly met with reputational challenges at the company, including reputational issues from his own leadership, which was characterized by pushing boundaries and cutting corners,⁶⁵ often at the expense of safety for Uber users and Uber employees, as I will discuss below. At one point, Kalanick ran an internal campaign called “Your No. 1 Assignment is to Fix My Reputation,” which indicated that the CEO’s primary concern was to focus on reputational problems that pertained to him.⁶⁶

78. From the beginning, Uber employed aggressive and unconventional marketing strategies to fuel rapid user growth and disrupt the traditional taxi industry.⁶⁷ The company focused heavily on word-of-mouth and referral programs, offering free or discounted rides to both new users and those who referred friends.⁶⁸ Uber also partnered with high-profile events, such as fashion weeks and tech conferences, to associate its brand with exclusivity and innovation.⁶⁹ Localized

⁶³ UBER_JCCP_MDL_005625539 at 40. Email from Uberalerts@zignallabs.com re “The Washington Post: For his latest magic trick, Uber’s new CEO will turn critics into customers” Apr. 19, 2018, at 10:32 AM (“Kalanick’s ‘always be hustlin’ rule-bending attitude was a force that forged the company”); UBER_JCCP_MDL_001423010 at 11. Email from Uberalerts@zignallabs.com to Centralcomms@uber.com et al. re “The New Your Times: UPDATE - With Uber’s I.P.O., Dara Khosrowshahi Is Taking Travis Kalanick’s Company Public,” May 3, 2019, at 11:17 PM (“Investors valued an entrepreneur’s zeal almost as much as the business plan he or she was selling. And nobody was more zealous than Mr. Kalanick”).

⁶⁴ UBER_JCCP_MDL_004240802 at 05. Short Message Report between mac@uber.com and rachel@uber.com (“mac@uber.com (1/5/2017, 11:48 PM) tk moves forwards with reckless abandon. ... he told me he didn’t want me to waste time or team time sending him updates on tough situations.”)

⁶⁵ UBER-MDL3084-000304899 at 4900, 4905. Aff. Michael Spears, Apr. 7, 2014 (“The thing is, a cease and desist is something that says, ‘Hey, I think you should stop,’ and we’re saying, ‘We don’t think we should.’ The only way to deal with that is to be taken to court, and we never went to court,” [quote published by WSJ of Travis Kalanick]).

⁶⁶ Dep. Kalanick 174:8-23; UBER_JCCP_MDL_001870480. Executive Communications Campaign, Your #1 Assignment is to Fix My Reputation, Travis Kalanick, Co-Founder and CEO, Uber Technologies, Inc. (Jan. 2015).

⁶⁷ Wall Street Journal. Travis Kalanick: The Transportation Trustbuster. Jan. 25, 2013. Accessed July 9, 2025. <https://www.wsj.com/articles/SB10001424127887324235104578244231122376480>.

⁶⁸ UBER_JCCP_MDL_004959878. Email from supportdc@uber.com to [redacted PII] re “Take your first Uber trip for FREE.” May 22, 2012 at 12:59 PM.

⁶⁹ UBER_JCCP_MDL_001533288 at slide 22. South 2018 Subregional Marketing (Dec. 2017). (“A festival and conference in Austin, TX that celebrates the convergence of the music, tech and film industry. SXSW is unique to the history of Uber as it was the launching pad of some of our first

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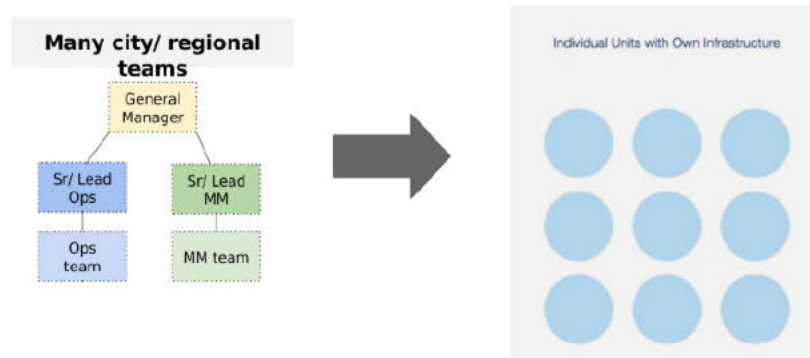
promotions—such as free rides during holidays or storms—helped introduce the service in new markets while generating media buzz. These strategies, combined with its core emphasis on the superior safety of its company, branded Uber as a modern, reliable alternative to traditional transportation.

79. In a 2017 marketing document, when the company began to reflect on its trajectory to that date, the company remarked on the rapid growth model it had embraced:

Subregional Marketing Structure | History

Prior to March 2017, our teams looked very different:

*Our approach to our early growth stage was about **capitalizing on the first mover advantage** to **grow as quickly as possible***

**Subregional Marketing Structure | History**

Now, we've taken a more centralized approach to marketing and city ops teams

As we mature as a business, we now focus on moving to a more specialist model focused on efficiency and consistency



Figure 9. Uber's marketing structure as presented internally in 2017.

marketing and product initiatives beginning in 2012.”); UBER_JCCP_MDL_004888949 at slide 17. Phoenix, AZ Weekly Review (June 17-23, 2013).

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80. The characterization in the slide above is reflected in Uber’s rapid expansion. Between 2011 and 2013, Uber launched in cities such as New York, Chicago, and Washington, D.C., and began international operations in Paris in 2011. Uber also started a new brand, UberX, shifting from black cars to its lower-cost peer-to-peer rideshare service. UberX launched in San Francisco in 2012. This shift drastically reduced prices and increased scale, helping Uber outcompete both traditional taxis and other rideshare startups such as Lyft. By 2013, Uber had raised over \$300 million in funding and was active in more than thirty-five cities worldwide. In July 2012, Uber completed 272 thousand trips for an annual run rate of 3.2 million rides a year. By December 2013, Uber had completed 3.7 million rides, an annual run rate of 44.4 million rides, giving Uber a compound annual growth rate of 386% over this period.⁷⁰

B. Growth (2013–2016)

81. By 2013 Uber expanded its business as a peer-to-peer ride hailing service. Its marketing in this era continued to focus on rapid growth to recruit riders and drivers. It also worked to create viral campaigns. A 2017 document reflecting on 2013 details Uber’s marketing vision and strategy, which include “campaigns or programs to drive virality,” “online advertising,” “brand partnerships,” “NYE war room,” and work on “messaging frameworks”:⁷¹

⁷⁰ Videotaped Dep. Katherine McDonald 30 (b) (6), Apr. 25, 2025. (“Dep. McDonald 30 (b) (6)”). Ex. 668. Number of Completed Rides Trips in the US by Month from July 2012 through Nov. 2024.

⁷¹ UBER_JCCP_MDL_002069185 at slide 21. Marketing Org Discussion, Phase 2 Update (Jan. 2017).

HIGHLY CONFIDENTIAL**Marketing Began Growing Elsewhere...**

Other Teams Began Building Their Own Marketing Capabilities

*Figure 10. A timeline of Uber's marketing approaches.*

82. Earlier in the same document Uber observes how its marketing evolved as the company grew. It quickly evolved from operating on a city-to-city basis, to something much larger and more national and global in scope:⁷²

⁷² UBER_JCCP_MDL_002069185 at slide 17.

HIGHLY CONFIDENTIAL**At The Beginning...**

City Marketers, Whose Scope Evolved Over Time

	One Business, One City	One Business, a Few Cities	One Business, Many Cities
What was our business?	• Fee to drivers for platform use	• Fee to drivers for platform use	• Fee to drivers for platform use
What was marketing called?	• Austin Geidt	• “Community Managers”	• “Marketing Managers”
What did those people really do?	• Sales to limo companies and I/Os	• Build relationships with local influencers • Execute promotions to push riders to platform	• Build local relationships • Execute promotions • Acquisition initiatives • Engagement initiatives
What other functions did marketing own?	• Customer support • Operations • Business development	• Customer Support	
Customer focus:	• Riders only	• Riders only	• Riders and drivers
Notes	<i>We did not need to proactively push riders to the platform (word of mouth).</i>	<i>We didn't need to push riders to the platform, but individual efforts were material on a % basis.</i>	<i>Without clarity of activities owned, each individual team attempted full stack of marketing activities.</i>

Figure 11. Uber scales marketers' scope as business grows.

83. In 2014, Uber hired a consulting firm, Benenson, to fine tune its messaging. Hiring outside consulting firms is standard practice in marketing, particularly for technology startups.⁷³ In my experience, tech startups have difficulty hiring enough employees in the early days, and marketing is typically seen as an easy area to outsource. Outsourcing marketing allows a handful of marketing employees to multiply their impact by directing firms such as Benenson, who act as subcontractors.

84. The documents below were created by Benenson in 2014 and circulated to Uber employees in May 2014.⁷⁴ The slides describe differences between “Gen Pop” and “Uber Users.” The latter are consumers who are currently using Uber and “Gen Pop,” which stands for “general population,” represents growth opportunities. As the documents show, Uber and Benenson worked on a marketing strategy to foster rapid growth. The company also focused on the safety messaging at the core of Uber’s brand identity. One of the notable features of this strategizing is that it emphasizes how central a reputation for safety is for expanding Uber’s user base. Uber’s consultants

⁷³ See, for instance, the work of these marketing firms that specialize in launching startups: Launchsquad. <https://launchsquad.com/work>; SparkPR. <https://sparkpr.com/case-studies>; and Diffusion. <https://diffusionpr.com/work/>.

⁷⁴ UBER_JCCP_MDL_002079300. Email from David Plouffe [plouffe@uber.com] to Ed Baker [edb@uber.com] re “Deck.” Oct. 2014 at 1:34 PM.

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are focused specifically on the kinds of safety messages that will convert non-Uber users to Uber users.⁷⁵

85. The following slide is from the Benenson Strategy Group's interview results that they conducted for Uber. This slide reports the fraction of respondents who answered "agree" or "strongly agree" on questions related to Uber versus taxis. I observed the headline, stating that "Uber's Biggest Vulnerability [to people who know Uber] is Caring More About Profit than Safety":⁷⁶

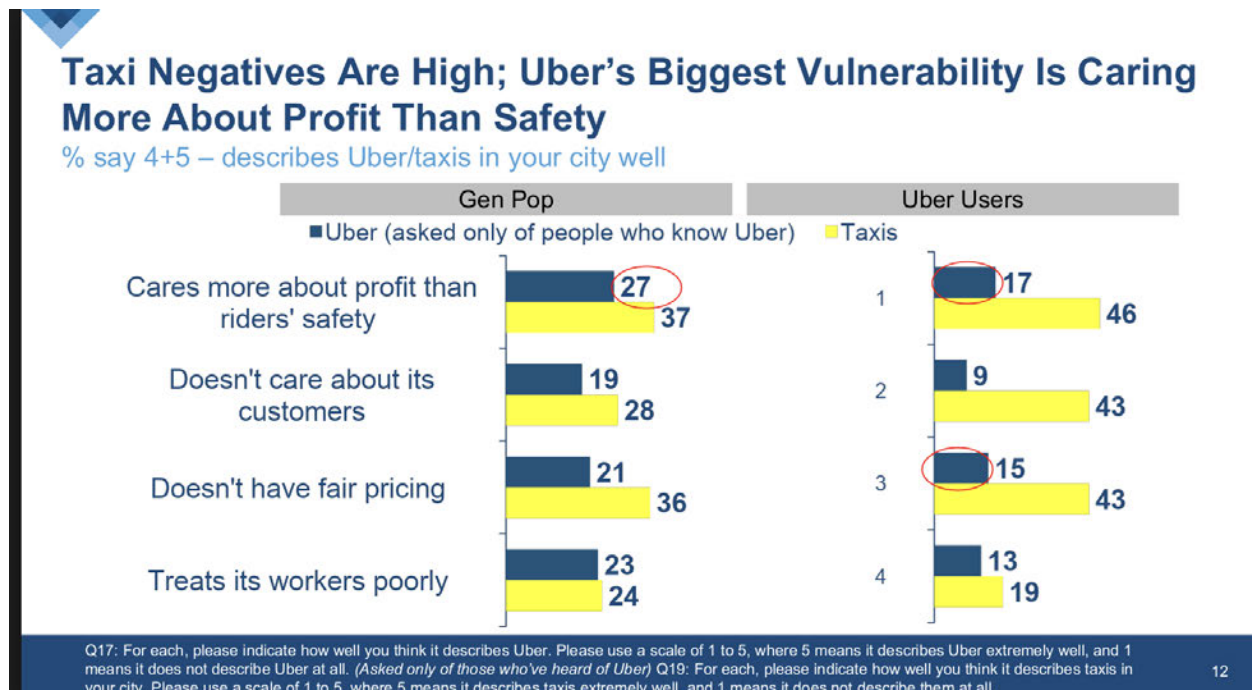


Figure 12. Results of a survey completed by Benson Strategy Group for Uber in 2014.

86. The document also looks at the extent to which safety comparisons to taxis damage Uber's reputation in the general population (as opposed to among Uber loyalists). The slide is titled "'Safer Than A Taxi' is Kind of Like Being 'Healthier Than McDonald's'" and suggests dropping the taxi comparison.⁷⁷ The suggestion is that, as far as Uber is concerned with its reputation for safety, it is better off not making negative comparisons with taxis. This recommendation is focused on the reputational aspect of safety, and the rhetorical impact of making a comparison to the reputational safety of taxis, rather than any empirical measure of safety. Safety is described in general terms in Uber's communications, but it is important to emphasize that safety is contextual for an audience. Since at least 1967, researchers have understood the

⁷⁵ UBER_JCCP_MDL_002079301. Uber Messaging Research Overview (May 13, 2014).

⁷⁶ UBER_JCCP_MDL_002079301 at slide 12.

⁷⁷ UBER_JCCP_MDL_002079301 at slide 14.

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idea that consumers' perception of risk is dependent on the individual consumer's subjective experience.⁷⁸ For consumers who are worried about traffic crashes, safety will be interpreted as absence from that harm. For young women, the most likely targets of sexual assault, safety will be interpreted through that lens.⁷⁹

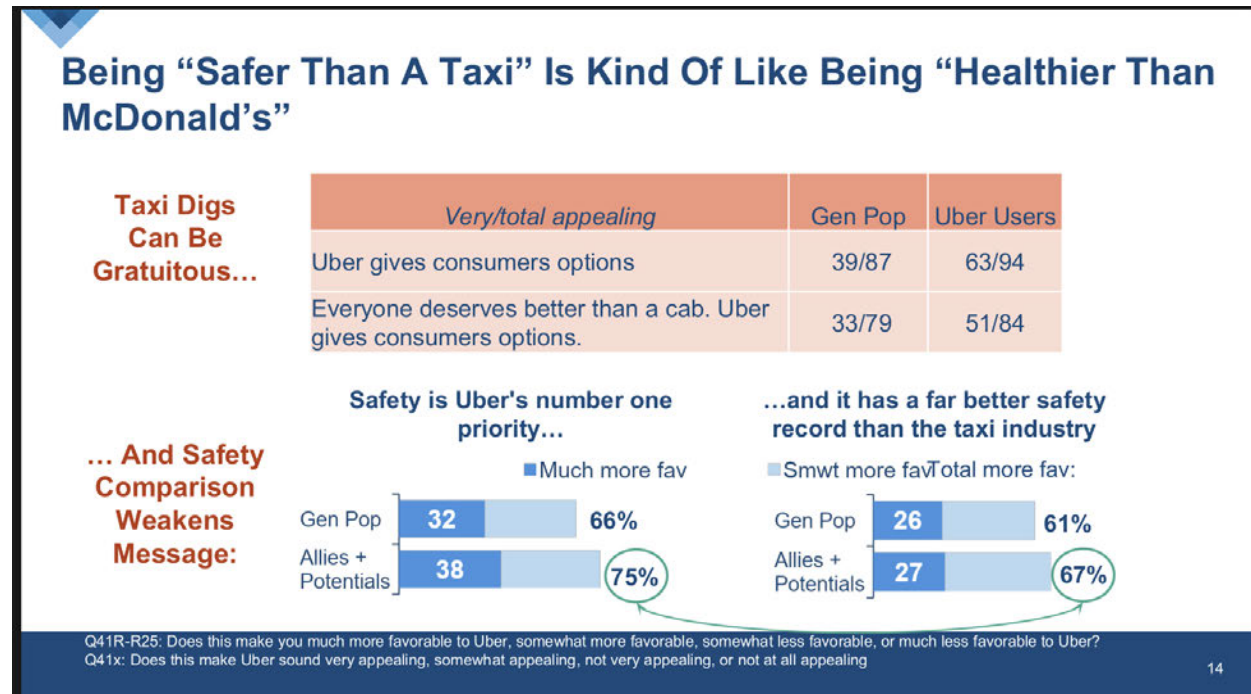


Figure 13. Benson Strategy Group found that safety comparisons to taxis damage Uber's reputation in the general population.

87. Uber's consulting firm also observes that there are differences between the general population that Uber is trying to court and its user base at the time.⁸⁰ This indicates that marketing strategies are being tailored to appeal specifically to groups,

⁷⁸ Cunningham, S.M. (1967). "The Major Dimensions of Perceived Risk." *Risk Taking and Information Handling in Consumer Behavior*, Div. of Research, Grad. School of Business Admin., Harvard University, pgs. 82–108. ("True' or 'actual' probabilities of loss are not relevant to the consumer's reaction to risk except insofar as past experience is the basis for present perception. The consumer can only react to the amount of risk she actually perceived and only to her subjective interpretation of that risk." (citing Stone, R. N., & Grønhaug, K. (1993). "Perceived Risk: Further Considerations for the Marketing discipline. *European Journal of Marketing*, vol. 27, no. 3, pgs. 39-50.)).

⁷⁹ UBER_JCCP_MDL_002502769 at 2787. How to Ease Women's Fear of Transportation Environments: Case Studies and Best Practices. MINETA Transportation Institute (Oct. 2009) ("Indeed, gender emerges as the most significant factor related to anxiety and fear about victimization in transit environments.").

⁸⁰ UBER_JCCP_MDL_002079301 at slide 20.

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and potentially to target specific groups, that are not inclined to use Uber or are reluctant to use Uber:

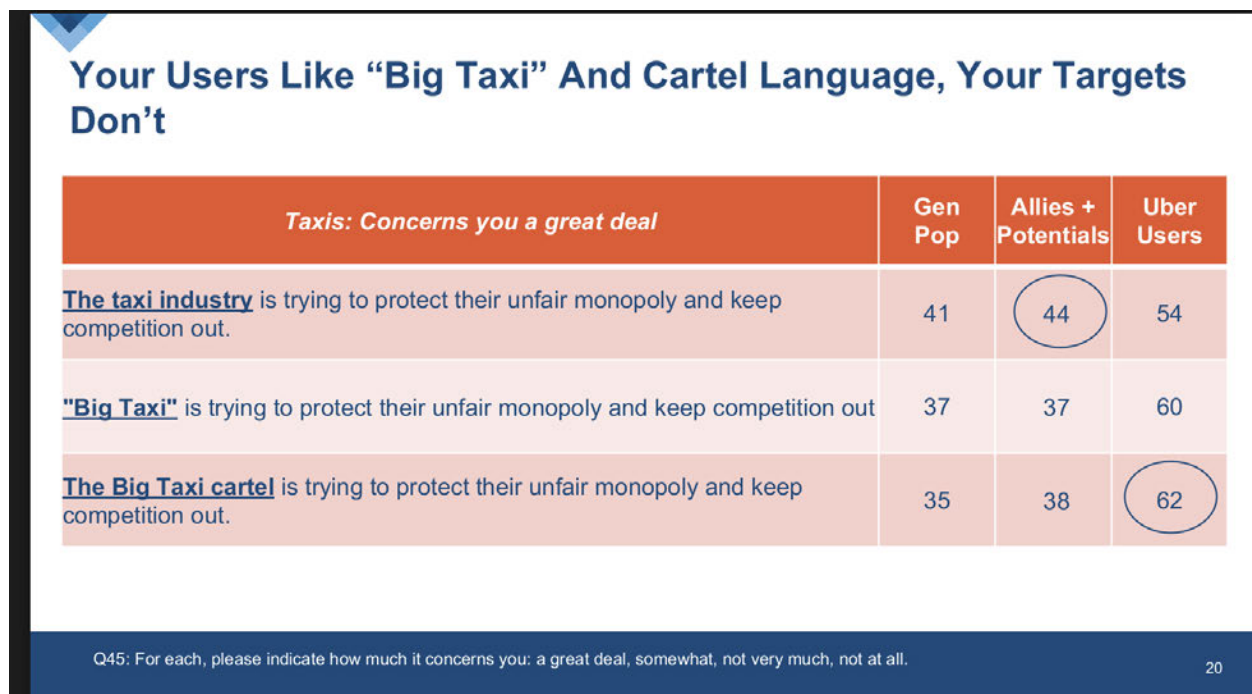


Figure 14. Internal Uber presentation on marketing language and perception.

88. In the following slide, I observe that Uber’s consultants see a tension between how Uber’s messaging will be perceived differently by its user base and the general population. For prospective users, Uber should “focus on how Uber taps into consumers (sic) deeply-held (sic) desires for safety, control, and convenience, and their belief that competition helps consumers.” In other words, to grow the business Uber must talk about safety. On the other hand, when messaging to Uber’s current users, drawing attention to safety “makes them focus on an area they didn’t realize they needed to worry about.” Safety is a double-edged marketing sword at this stage of Uber’s brand growth.⁸¹

⁸¹ UBER_JCCP_MDL_002079301 at slide 24.

HIGHLY CONFIDENTIAL**Messaging Imperatives****Put a stake in the ground on safety**

- To prove Uber is safe, we need to highlight for people who don't know the basics of how Uber works what technological features and policies actually make it so safe.
- We also need validators. On its own, it's not that credible to many that Uber reduces DUIs. But having MADD by our side does more work than any other message in the poll.

Be pro-consumer, not anti-taxi

- Being safer than a taxi is like being healthier than McDonald's. Many consumers don't like – or don't use – taxis. If we are too focused on building a contrast with taxis, we limit our potential.
- Messages focused on the "Big Taxi Cartel" and political fights were among the weakest tested.
- Instead, focus on how Uber taps into consumers deeply-held desires for safety, control, and convenience, and their belief that competition helps consumers.

Know your audience

- Adults 18+ are very different demographically and attitudinally from Users. They don't know how Uber works or if it's safe, and don't respond to some edgier language, particularly messages that play with classism.
- Users, on the other hand, already feel safe using Uber and smart for choosing it. Negative hits on taxis validate their choice. Highlighting Uber's safety protocols makes them focus on an area they didn't realize they needed to worry about.

Benenson

Figure 15. Notes how “Uber taps into consumers deeply held desires for safety, control, and convenience...”.

89. Ultimately, Uber's consultants recommend that Uber emphasize safety. But Uber's safety messaging was focused on mollifying fears, rather than disclosing accurate information. As I describe in much greater detail below, when the desire to create an impression of safety conflicted with evidence about sexual assault, the impression took precedence. Uber's consultants recommend that Uber “start inoculating on bubbling negative that Uber puts profit before safety.”⁸² Uber also indicates that it will target its marketing differently at different groups. The slide also states that driver opportunities are “second-tier importance compared to other pillars, except top-tier for minorities”:⁸³

⁸² Uber's consultants also recommend using “validators,” like Mothers Against Drunk Driving (MADD) to buttress their marketing claims. Organizations like MADD, to Uber, function like influencer marketing to strengthen reputation. Given the contextual nature of safety, MADD is a skillful choice. Riders worried about drunk drivers will view a MADD partnership as inoculation against that threat. In a similar manner, riders worried about assault will view safety through that lens.

⁸³ UBER_JCCP_MDL_002079301 at slide 25.

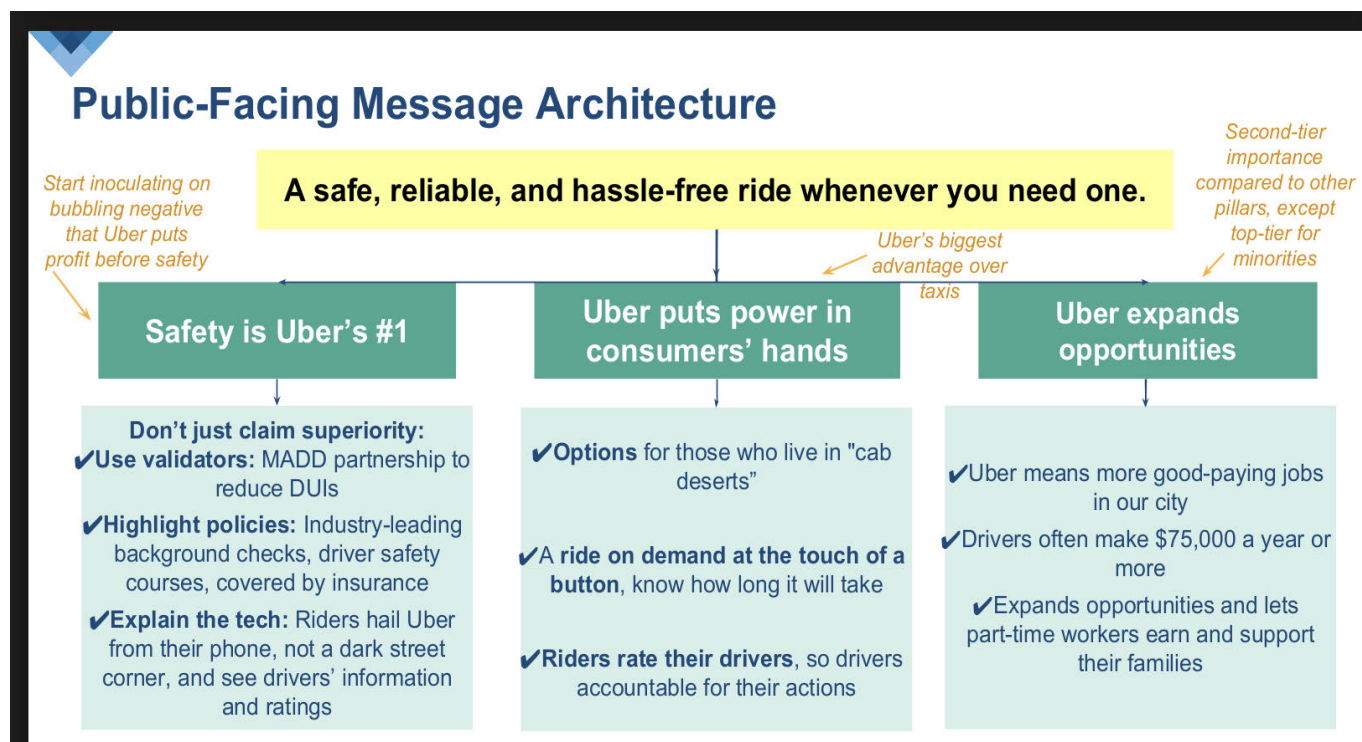
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Figure 16. Uber's public-facing message architecture.

90. The messaging also goes so far as to suggest that it is actively “making our streets safer” and “reducing DUIs.” In this slide deck, neither of these claims is delivered with empirical evidence for these claims. This indicates that Uber’s consultants were willing to advise the company to make statements in its marketing without factual or empirical basis:⁸⁴

⁸⁴ UBER_JCCP_MDL_002079301 at slide 26.

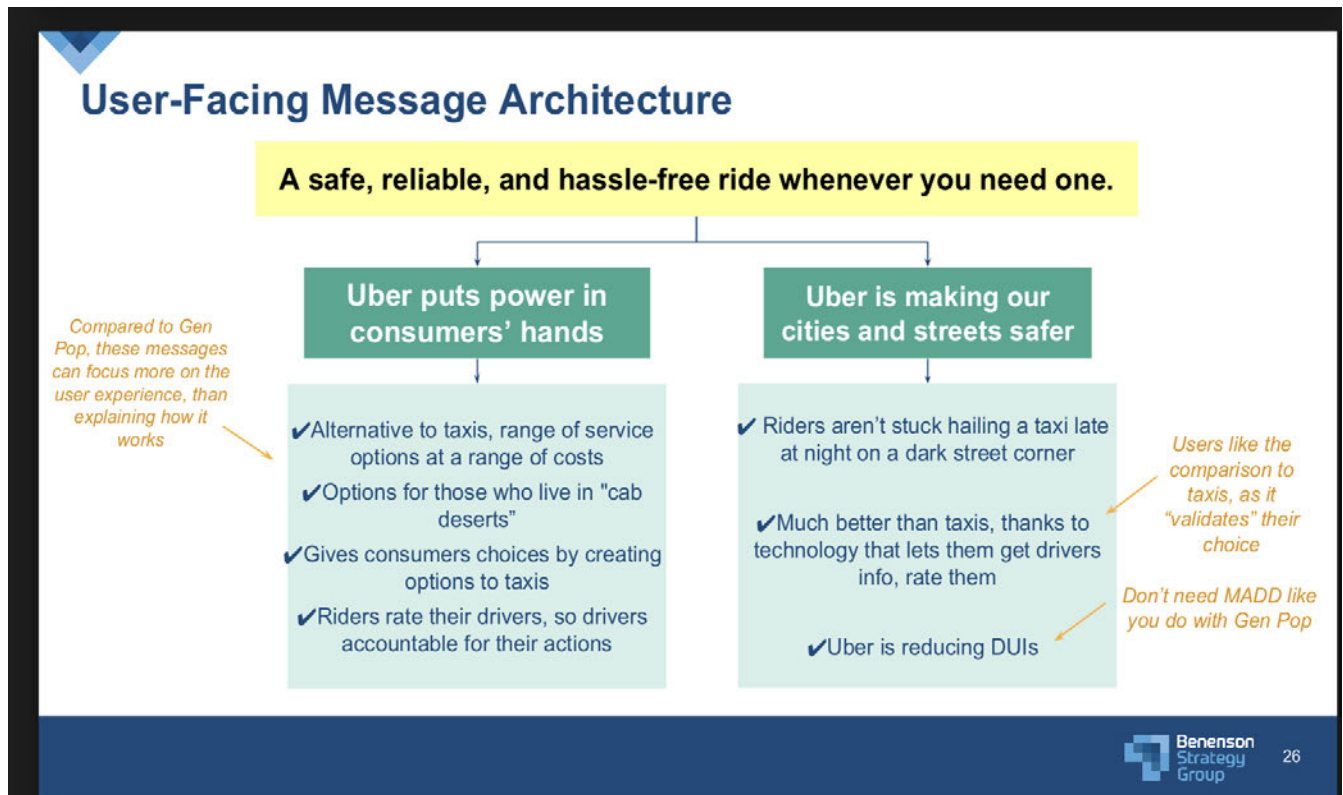
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Figure 17. Uber's user-facing message architecture.

91. In her deposition, Uber marketing director Elizabeth Ross repeatedly denied the claim that Uber marketing is geared at convincing or persuading customers.⁸⁵ Ross testified that Uber aims to inform customers. The slides above show that both priorities are distinct and included repeatedly in marketing recommendations for the company.⁸⁶

92. In the same set of recommendations, Uber's consultants also explore Uber's competitors. This part of the recommendation explored Uber's competitor Lyft:⁸⁷

⁸⁵ Ross 30(b)(6) Dep. Vol. I 221:7-10 ("I just don't really love that word when defining marketing, necessarily. I think marketing is there to help educate people so that they can make informed decisions."), 272:1-2 ("I - - again, I don't like the word 'persuading.'"), 275:14-18 ("I don't think that that - - I don't - - I don't necessarily agree with that statement. I don't think we were withholding anything like that to persuade them - - the word that I don't really love using - - to take trips at that time."); Dep. Elizabeth Ross, 30(b)(6) Uber Technologies, Inc., June 12, 2025. Vol. II ("Ross 30(b)(6) Dep. Vol. II") 487:18 ("I - - I don't love the word 'convince.'").

⁸⁶ UBER_JCCP_MDL_002079301 at slide 23.

⁸⁷ UBER_JCCP_MDL_002079301 at slide 21.

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In Other News: Though Lyft Was Not The Subject Of the Study, They Clearly Present Competitive Threat

Among Uber Users

32% Of Uber Users report also using Lyft

Thinking about the next 5 rides you will take using a “cars on demand” service, how many will be in...

Average out of next 5 rides	Uber	Lyft	Taxis
Overall	3.2	.5	.9
Baby/Teen Markets	3.5	.6	.6
Old Markets	3.2	.5	.9
Low Frequency	2.9	.5	1.1
Medium Frequency	3.5	.4	.6
High Frequency	3.3	.5	.7
Jetsetters	3.3	.4	1

Q9: How important is this to your city? Q10: How often, if ever, do you use each of the following services? Never, less than once a month, 1-2 times a month, about once a week, a few times a week, or every day. Q13R2-R3: In the next couple of months, how likely are you to use the following for transportation? Q14: Think about the next 5 rides you will take using a “cars on demand” service – like taxis, Uber, Lyft, or other private car or ride-sharing companies. Of those 5 rides, how many will be in...

21

Figure 18. Uber's customer survey shows market competition between Uber and Lyft.

93. Uber's marketing strategy in response to Lyft was to pit itself as a hostile enemy to Lyft's friendly pink mustache, which adorned the front of drivers' cars during this period. The focus here is brand image:⁸⁸

⁸⁸ Morrill, Danielle. "Uber Takes on Lyft with Aggressive 'Shave the Stache' Mobile Billboard." *Mattermark* (May 4, 2013). Accessed July 1, 2025. <https://mattermark.com/uber-takes-on-lyft-with-aggressive-shave-the-stache-mobile-billboard/>; UBER_JCCP_MDL_005406389 at slide 11 ("With a thought-out media buying calendar, we can build out a consistent flow of new, engaging content pushed by 3rd party partners throughout a full semester, brand-buying pink moustaches out of the space.").

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Figure 19. Uber promotion shaving Lyft's signature stache.

94. Around the same time, Uber deployed the messaging on safety that is articulated in its consultants' recommendations. In these years, threat of sexual assault was apparent in light of the aforementioned highly publicized rape by a taxi driver in New York City⁸⁹ and another in St. Paul, Minnesota.⁹⁰

95. In April 2014, Uber continued to create a brand image around safety when it implemented its Safe Rides Fee.⁹¹ From the beginning, the fee was part of

⁸⁹ CBSNewYork. "Taxi Drivers Join Forces with NYPD to Find Alleged Rapist." May 12, 2011. Accessed Aug. 17, 2015. <https://www.cbsnews.com/newyork/news/nypd-on-the-hunt-for-taxi-driver-rapist>.

⁹⁰ Slavik, R. "Cab Driver Accused of Kidnapping, Attempted Rape." Dec. 9, 2010. Accessed Aug. 17, 2025. <https://www.cbsnews.com/minnesota/news/police-taxi-driver-kidnapped-tried-to-rape-passenger/>.

⁹¹This fee was created by Uber to recoup insurance costs, as the company ramped up coverage. Graves Dep. 121:25 ("A. Yes. My understanding was that the rides fee was implemented to help cover the cost of things that would help the rides become safer, like background checks, and apparently, increased insurance policy."); UBER-MDL3084-000046507. Email from Angie You [angie.you@uber.com] to Strahn McMullen [strahan@uber.com], Josh Fox [josh.fox@uber.com], Nairi Hourdajian [nairi@uber.com], and Andrew Noyes [anoyes@uber.com] re "Update re safety webpage." Apr. 4, 2014, at 8:32 PM.

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brand image creation and divorced from actual safety practices. Later, in the context of several lawsuits, it became clear that though the fee generated nearly half a billion dollars, the money was not specifically used for safety improvements.⁹²

96. The following documents show Uber employee Nairi Hourdajian discussing the safety fee in its inception. In the following email exchange, I see Hourdajian note that an Uber employee named Gus says that the fee (designed to recoup costs for UberX) could not therefore be called a “Safety Fee.” Hourdajian writes that calling it a Booking Fee or Service Fee would be “totally sub-optimal, obviously.” Hourdajian then states that employees “were able to walk Gus’ point of view back.” I observe that the rhetoric of safety in the name of profit is prioritized over company practice dedicated to actual safety:⁹³

From: Nairi Hourdajian [nairi@uber.com]
Sent: Friday, April 04, 2014 10:50 PM
To: Andrew Noyes
Subject: Re: Update re safety webpage

Finance has been working on ways to recoup some costs for uberX, including a \$1 fee. Gus had said that it could not be called a Safety Fee and would have to be called a Service Fee or Booking Fee (totally sub-optimal, obviously, and so Finance was going to work on having it an increase in the base fare). But sounds like Angie and co were able to walk Gus' point of view back.

On Fri, Apr 4, 2014 at 10:11 PM, Andrew Noyes <anoyes@uber.com> wrote:
 Heyo - Not sure I understand the first part of this email about a safety fee. Do you?

--

Figure 20. Internal Uber email about the safety fee.

97. In the first email in the exchange, reproduced below, I see the points that had confused Mr. Noyes.⁹⁴ The part of the message that indicates the name illustrates Uber’s relaxed attitudes toward accuracy in safety messaging at this time, “...we will add a \$1 Safe Ride Fee (nice tie to our Safest rides on the road tagline, which [Travis Kalanick] really liked [by the way]) as a separate line item like LYFT.”

⁹² UBER_JCCP_MDL_000326520. Graves Dep. Ex. 3626. Email from Angie You [angie.you@uber.com] to Ryan Graves [ryan@uber.com] and Travis Kalanick [travis@uber.com] re “Project Safety - 3 month progress report.” June 1, 2014, at 10:08 PM; UBER-MDL3084-000046507.

⁹³ UBER-MDL3084-000046507. Email from Nairi Hourdajian [nairi@uber.com] to Andrew Noyes [anoyes@uber.com] re “Re: Update re safety webpage.” Apr. 4, 2014, at 10:50 PM.

⁹⁴ UBER-MDL3084-000046507.

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Begin forwarded message:

From: Angie You <angie.you@uber.com>
Date: April 4, 2014 at 8:32:11 PM PDT
To: Strahan McMullen <strahan@uber.com>, Josh Fox <josh.fox@uber.com>, Nairi Hourdajian <nairi@uber.com>, Andrew Noyes <anoyes@uber.com>
Subject: Update re safety webpage

hey guys,

We had a nice win for Project Safety tonite when we fought back on a proposal for increasing fares in some cities to cover safety related costs that would not have allowed us to advertise a "Safety fee" and spin the price increase as a positive.

I wanted to let you know that we will add a \$1 Safe Ride Fee (nice tie to our Safest rides on the road tagline, which TK really liked BTW) as a separate line item like LYFT.

There was a lot of excitement about this once we got to the right answer and I pushed RG to get us eng resources for the website since it would've been ideal to launch this safe ride fee with the safety website.

To that end, RG challenged/pushed Alex Priest to come up with a safety blog post or something that looked like a quick safety webpage that we could put up by mid next week. I don't know if this is actually realistic or whether Alex and team will come up with a blog post about safety that will ultimately morph into our webpage.

I just wanted to keep you in the loop on what's happening as things are moving fast, which seems to be the Uber way.

angie

Figure 21. Project Safety celebrates the name of the Safe Ride Fee.

98. In the following document, I can see Uber employees discussing the way that safety is part of branding and brand image. I highlight here that the safety team appears to be deeply embedded in the marketing department, as opposed to being housed within operations and security. In later documents, released by Uber, this trend persists. These safety reports are primarily concerned with brand image and reputation:⁹⁵

⁹⁵ UBER_JCCP_MDL_000326520.

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Approaching 3 months on Project Safety - a review of progress to date:

I'm proud of the what the team has accomplished in 3 months - we made recommendations based on sound logic/rationale and have been executing on them quickly.

Amidst the context of trying to get on proper footing with regards to negative PR, highest priority projects I embarked on focused on impacting:

1. PR/image exposure around safety
 2. insurance costs/litigation exposure
 3. Eye towards being proactive around safety
- \$1 Safe Rides Fee was something the safety team advocated strongly for (PRO Matkin/Priest/Sawchuk) and is an example of proactive branding as well as having financial impact.
 - As you recall, original idea was to have unbranded "price hike" on the base in all cities **minus** the major big 5 cities -> Branding a price hike emphasizing our focus on safety, with our recommendation that it should be implemented in **ALL** cities for P2P resulted in estimated ~\$45M inflow from Safe Rides fee offsetting most of the ~\$50M in total insurance costs (Apr-Dec 2014) for this year.
 - While people have made snide comments "what, you weren't safe before this fee?", it ended up raising the conversation in the press about this fee covering things like background checks and our recent expansion of insurance.
 - Safety Webpage: The safety webpage became a project that not only articulated all we do for safety but forced us to come up with consistent policies so that we could definitively stand behind what we said -- it's done but sadly, still awaiting engineering resources to get it up :(
 - Background checks has been a significant project within Project Safety
 - As the designated "safety" person, I helped drive a holistic approach to background checks, taking into account growth/operations, impact on insurance costs, regulatory requirements and PR/Comms.
 - Initial assessment of BGC was that while we made good strides on improving the databases we were tapping into, the decentralized way we were doing things were leading to inconsistent standards, poor training or the wrong people making calls on the flagged BGC. We had no unified way of

Figure 22. Project Safety - 3-month progress report from 2014.

99. The distance between the rhetoric of safety and the reality of corporate practice persisted in the following months. In June 2014, Uber's Head of Communications, Lane Kasselmann, was quoted in the media stating: "We're confident that every ride on the Uber platform is safer than a taxi."⁹⁶ He reiterated this statement in an email to colleagues during a scandal in which journalists revealed that Uber hired a felon to drive on its platform:⁹⁷

⁹⁶ UBER-MDL3084-000312229 at 35. Kirchner, E., Paredes, D, and Pham, S. "Is Uber Keeping Riders Safe?" *NBC Bay Area* (Apr. 24, 2014).

⁹⁷ UBER_JCCP_MDL_002709843 at 43-44. Email from Lane Kasselmann [lane@uber.com] re "Tonight - NBC BGC/Insurance stories in LA, SF, and Chi." Apr. 24, 2014.

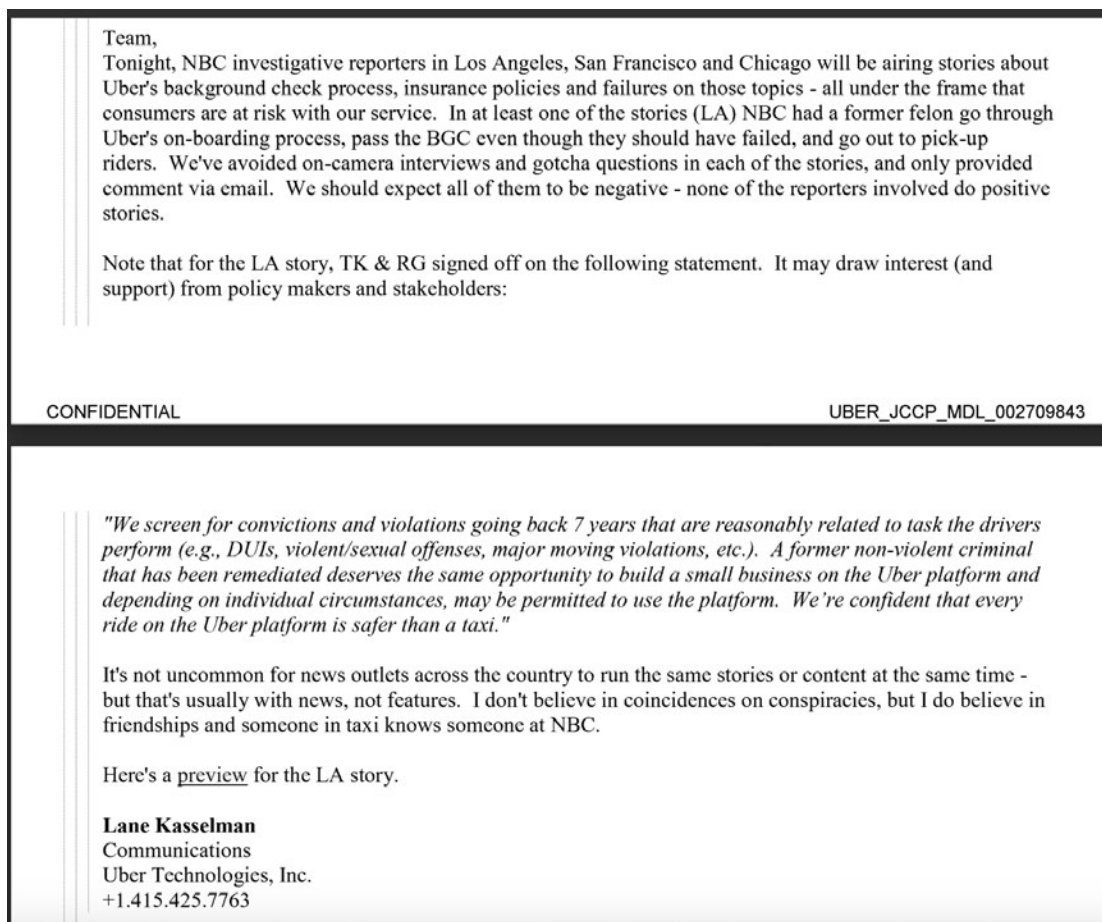
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Figure 23. Uber Communications sharing statement that Uber is “safer than a taxi” in 2014.

100. It became evident publicly that Uber’s Safe Rides Fee was not used for safety. In 2014, two lawsuits were filed against Uber for fraudulent advertising. The settlements paid \$28.5 and \$25 million for class action and fraudulent and misleading advertising claims about safety.⁹⁸

101. A 2019 document that was circulated at Uber after appearing online notes a New York Times article which reported on the Safe Rides Fee matter.⁹⁹ The

⁹⁸ MacMillan, Douglas. "Uber Agrees to Pay \$28.5 Million Over Safety Claims Lawsuits." *MarketWatch* (Feb. 13, 2016). Accessed July 10, 2025. <https://www.marketwatch.com/story/uber-agrees-to-pay-285-million-over-safety-claims-lawsuits-2016-02-13#>; Isaac, Mike. "Uber Settles Suit Over Driver Background Checks." *The New York Times* (Apr. 7, 2016). Accessed July 10, 2025. <https://www.nytimes.com/2016/04/08/technology/uber-settles-suit-over-driver-background-checks.html>; UBER_JCCP_MDL_001481664 at 93. Email from Ariella Steinhorn [Ariella@uber.com] to Communications [comms@uber.com] and Policy [policy@uber.com] re “Uber News Clips for April 8, 2016.” Apr. 8, 2016, at 12:36 PM.

⁹⁹ UBER_JCCP_MDL_001543329 at slide 28-33. Uber Weekly Media Intelligence (Aug. 29, 2019) (“The article states that Uber’s Safe Rides Fee was simply a way for the company to make money, rather than to promote safety. Conversation was driven [by] mentions expressing disgust towards

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article argues that Uber's Safe Rides Fee was primarily created to increase profit margins, generating nearly half a billion dollars, but the money was not specifically used for safety improvements:¹⁰⁰

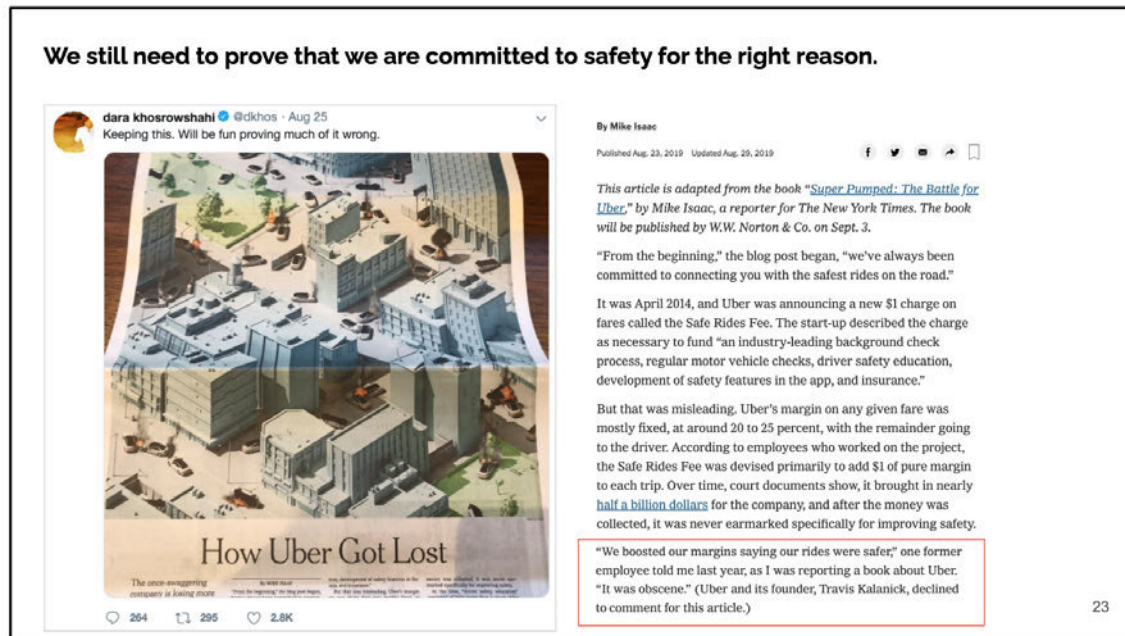


Figure 24. New York Times article covering Uber displayed in Uber's internal documents.

102. Not long after implementing its Safe Rides Fee, in 2015, Uber continued to target its marketing toward women, both as drivers and as riders. For example, Uber attempted to collaborate with UN Women in 2015 to pledge to create one million jobs for women as drivers.¹⁰¹ The UN backed out, at least in part, out of safety concerns.¹⁰²

Uber for charging these fees that were never used to improve safety. Other social media users reinforced this point, questioned the company's ethics, and raised existing safety concerns.”)

¹⁰⁰ Isaac, Mike. “How Uber Got Lost.” *The New York Times* (Aug. 23, 2019). Accessed July 13, 2025. <https://www.nytimes.com/2019/08/23/business/how-uber-got-lost.html>.

¹⁰¹ Dep. of Nairi Hourdajian, Feb. 7, 2025. (“Hourdajian Dep.”) Ex. 0111. Filipovic, Jill. “The Ride-Sharing Battle for Female Passengers.” *Cosmopolitan* (June 29, 2015); Nair, Adarsh. “Unlocking the Secrets Behind Uber Marketing Strategies.” *Prismatic* (Aug. 10, 20203). Accessed July 13, 2025. <https://www.prismatic.com/uber-marketing-strategies/>.

¹⁰² “UN Halts Partnership with Uber to Create Jobs for Women.” *CBS News* (March 23, 2015). Accessed September 9, 2025. <https://www.cbsnews.com/news/un-halts-partnership-with-uber-to-create-jobs-for-women/>

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103. Also in 2015, Uber developed a defensive brand campaign to respond to negative safety reputation. Uber planned to begin in the U.S. and expand globally, use a female spokesperson when possible, and feature vetted riders and drivers with personal safety narratives. I observe this in the highlighted section from the following planning document:

PROACTIVE MEDIA CAMPAIGN (JUNE-OCT)

- Begin in the U.S. and expand globally
- Use a female spokesperson when possible
- Feature vetted riders and drivers with personal narratives re safety
- Target audiences:
 - Women aged 18-49
 - Ridesharing offers real safety advantages over taxis
 - US Policymakers
 - Uber is taking safety seriously in every single district
 - Institutional investors & industry analysts
 - Uber's position on insurance / background checks is evolving to limit legal exposure
- Focus on outlets with broad listener / reader bases (this will rarely include Silicon Valley-based press like SF Magazine which has extremely limited reach)

Target	Reach	Pitch
NPR Morning Edition	13.3m listeners (DC)	Roll out poll results re ridesharing safety
USA Today	2.9m readers (DC)	Roll out poll results re ridesharing safety via op-ed
Radio satellite media tour (SMT)	NYC, LA, Chicago	Roll out poll results re ridesharing safety
Cosmopolitan	3m readers (NYC)	Getting home safe on campus (pitch into college safety narrative)
Glamour	2.3m readers (NYC)	The Women of Uber culture story (profiles of Rachel, Nairi)
WSJ Editorial Board	2.3m readers (NYC)	Background briefing
NYT Editorial Board	1.9m readers (NYC)	Background briefing

Figure 25. Uber campaign outline.

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104. It also used marketing to claim that women could use the app “to get out of situations that are physically unsafe.”¹⁰³ Uber is placing a stake in the ground with these objectives, contrasting the safety of the platform to taking taxis or driving.

Exercise #2: 6-month Safety Campaign – “Get Uber. Get Home.”**OBJECTIVE**

A negative narrative evolved in Q4 2014 around safety, Uber, and women (see Daily Beast, The Guardian, LA Times) The goal is to reverse that narrative – to make Uber synonymous with safety -- via strong national and international media hits on corporate culture, rider testimonials, data-driven safety use cases, and product improvements.

BACKGROUND

Riders use Uber not just for convenience, but also for safety. Women, in particular, can use ridesharing to get out of situations that are physically unsafe – a date gone awry late at night, an early morning ride needed to get to the airport, leaving an event or party in a high-crime area. Standing in the street hailing a taxi at odd hours or in unfamiliar areas -- or driving home drunk -- is dangerous. There is also a huge opportunity to lean into the “Uber for Seniors” angle (22 million Americans read AARP magazine, based in Washington, DC, so one pitch would have big impact.) Action items are to collect and then tell the positive stories of how riders use Uber to stay safe.

Figure 26. Uber stated objective is to reverse the narrative on safety.

105. A similar emphasis is evident below:

¹⁰³ Hourdajian Dep. Ex. 1009. UBER_JCCP_MDL_001869888 at 9889.

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Focus Groups & Dial Testing: Host 4-5 focus groups of female Uber riders (age 18-49) in the fastest-growing U.S. markets to collect color, anecdotes, and to dial-test company messaging on safety.

Rider Stories: Identify and vet female Uber riders willing to relay real-life accounts of how ridesharing has kept them safe for op-ed placement or magazine profiles.

CORE MESSAGES

Most recent safety messaging:

Ridesharing helps make cities safer. A new study we conducted with Mothers Against Drunk Driving (MADD) shows just how powerful choice can be: Since we launched UberX in California, drunk-driving crashes decreased by 60 per month for drivers under 30. That's 1,800 crashes likely prevented over the past 2 ½ years.

New Messages:

Imagine a world where no one drives drunk because everyone has a choice about how to get home safely. The simple truth is that ridesharing services like Uber can help save lives.

You deserve to get home without having to stand in the street in the dark or the rain or in a bad neighborhood to hail a cab. Uber provides safe, reliable, hassle-free, door-to-door service that gives you peace of mind.

With Uber, you're in control. From choosing a highly-rated driver, to sharing your ETA with a friend, to providing real-time feedback on your experience, our riders get cutting-edge technology combined with common sense protections.

Figure 27. Uber conducts focus group on target market.

106. In 2016, Uber also implemented its “#WhyIRide” campaign to gather and disseminate individual stories of riders using its platform. Uber shared user stories from social media on their Uber Newsroom site.¹⁰⁴

¹⁰⁴ *I.e.*, Uber Newsroom. #WhyIRide–Ramona (Nov. 24, 2016). Accessed July 29, 2025. <https://www.uber.com/newsroom/why-i-ride-ramona/>.

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107. In 2016, BuzzFeed ran an article based on leaked documents that argued that Uber had thousands of queries for “sexual assault” and “rape” on customer support tickets (text from article and image from leaked documents below):¹⁰⁵

In one screenshot, a search query for “sexual assault” returns 6,160 Uber customer support tickets. A search for “rape” returns 5,827 individual tickets. Other variations of the terms yield similarly high returns: A search for “assaulted” shows 3,524 tickets, while “sexually assaulted” returns 382 results.

The screenshot shows the Uber Zendesk agent interface. The search bar at the top contains the text "sexual assault". Below the search bar, the results are displayed in a table. The table has columns for ID, Subject, Requested, Updated, and Group. The "Tickets (6160)" tab is selected and circled in red. The table lists several tickets related to sexual assault, with dates ranging from 2012 to 2014.

ID	Subject	Requested	Updated	Group
#39438881	Sexual Assault	Jun 18	Jun 27	USA English
#28087108	Sexual Assault	Apr 17	Apr 24	UK Client Support - Tier 3
#22888211	Sexual Assault	Mar 05	Mar 12	Central Region Support
#16897231	Sexual assault	Dec 28, 2014	Jan 04	NYC Support
#20956938	Sexual assault	Feb 14	Feb 21	East Coast Support
#160568	Sexual assault	Jun 24, 2012	Jul 02, 2012	NYC Client Support
#724657	sexual assault	Feb 12, 2013	Feb 20, 2013	DC Client Support
#10259334	Sexual assault	Sep 10, 2014	Sep 18, 2014	East Coast CommOps - Tier 2
#8825124	Sexual assault	Aug 09, 2014	Sep 04, 2014	Central Comm Ops

Figure 28. Zendesk screenshot from BuzzFeed article.

108. Uber updated the article in the following way:

According to data provided by Uber to BuzzFeed News, the company received five claims of rape and “fewer than” 170 claims of sexual assault directly related to an Uber ride as inbound tickets to its customer service database between December 2012 and August 2015.

109. And responded by seeking the employee who leaked the information:

¹⁰⁵ Warzel, C, and Bhuiyan, J. “Internal Data Offers Glimpse at Uber Sex Assault Complaints.” *BuzzFeed News* (Mar. 6, 2016). Accessed July 13, 2025.
<https://www.buzzfeednews.com/article/charliwarzel/internal-data-offers-glimpse-at-uber-sex-assault-complaints>

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Uber provided these numbers as a rebuttal to screenshots obtained by BuzzFeed News. The images that were provided by a former Uber customer service representative (CSR) to BuzzFeed News, and subsequently confirmed by multiple other parties, show search queries conducted on Uber's Zendesk customer support platform from December 2012 through August 2015. Several individual tickets shown in the screenshots have also been confirmed.

110. Uber also published a Medium article in response.¹⁰⁶ In this article it said that some of these queries could be people mistyping the word “rape” and said that names such as “Don Draper” might lead to the same result. Buzzfeed denied this. Uber then published a correction on the same Medium article, which was reported in Forbes and elsewhere, and says that using the name Don Draper may not have been appropriate for the subject.¹⁰⁷



Figure 26. A headline about Uber from Forbes in 2016.

111. In general, this exchange indicates that Uber was not initially prepared to take seriously the allegations that it was unsafe and that it was primarily concerned with the reputational damage of this article.

112. Uber continued to work with consulting firms to work on its reputation following the lawsuits and scandals prior to 2016. In 2016 it hired the firm Kelton which delivered a safety report for the company.¹⁰⁸ The document explored cultural concerns with safety as a way to help Uber develop strategy to restore its brand image:

¹⁰⁶ Uber. “Safety at Uber.” *Medium* (Mar. 6, 2016). Accessed July 13, 2015. <https://medium.com/uber-under-the-hood/safety-at-uber-6e638616bd4a>.

¹⁰⁷ Tracy, A. “Uber Admits ‘Don Draper’ Is Not a Good Way to Explain ‘Rape’ Reports.” *Forbes* (Mar. 8, 2016). Accessed July 13, 2025. <https://www.forbes.com/sites/abigailtracy/2016/03/08/uber-sexual-assault-rape-report-rebuttal-customer-support-tickets/>.

¹⁰⁸ UBER_JCCP_MDL_002713560. Kelton. “Dimensionalizing Safety for Uber: US Cultural Insights” (Nov. 2016).

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Safety & Trust in the US

More Responsibility for their Own Safety

Along with 'happiness,' **'safety' is the *raison d'être*** for American government & cultural life, according to the Constitution.

Americans feel their safety – and therefore their happiness – is under assault in new and more varied ways, from a host of unknowns across geopolitical, technological, social, and economic arenas.

- In this world that feels unwieldy and uncertain, **consumers feel the need to carve their own narrow channels to feel safe.** Within the sharing economy especially, this represents a consumer shift **from dependence to empowerment.**

Safety is a Quality of Freedom

Freedom is the cornerstone of American ideology and identity, and the source of our contradictions & tensions.

- American freedoms present two different notions of safety: the **freedom from** e.g. imprisonment without trial, and the **freedom to** e.g. assemble, practice any religion, etc.
- This creates a bifurcation in how companies address safety – as **freedom from threats and a guarantee of protection**, or, as **freedom to do as you please, unrestricted and empowered.**

Institutional and Humanistic Approaches

Feelings of safety are built by a range of solutions. Some solutions come from within and are bolstered by human interactions, while others come from external powers like the government, services or social groups.

- Consumers are actively constructing their own **personal 'safe spaces'**, online and in local communities. In this context, **technology** is increasingly trusted to provide solutions, especially in the transportation industry and within the competitive set.

Kelton



Figure 29. Content from Kelton's report for Uber around safety.

113. The document also noted key differences in how different brands relate to the public view of safety. Uber is in the quadrant that emphasizes power, as opposed to protection, empowerment, or care:

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Key differences emerge across ride sharing brands' current expressions of safety:

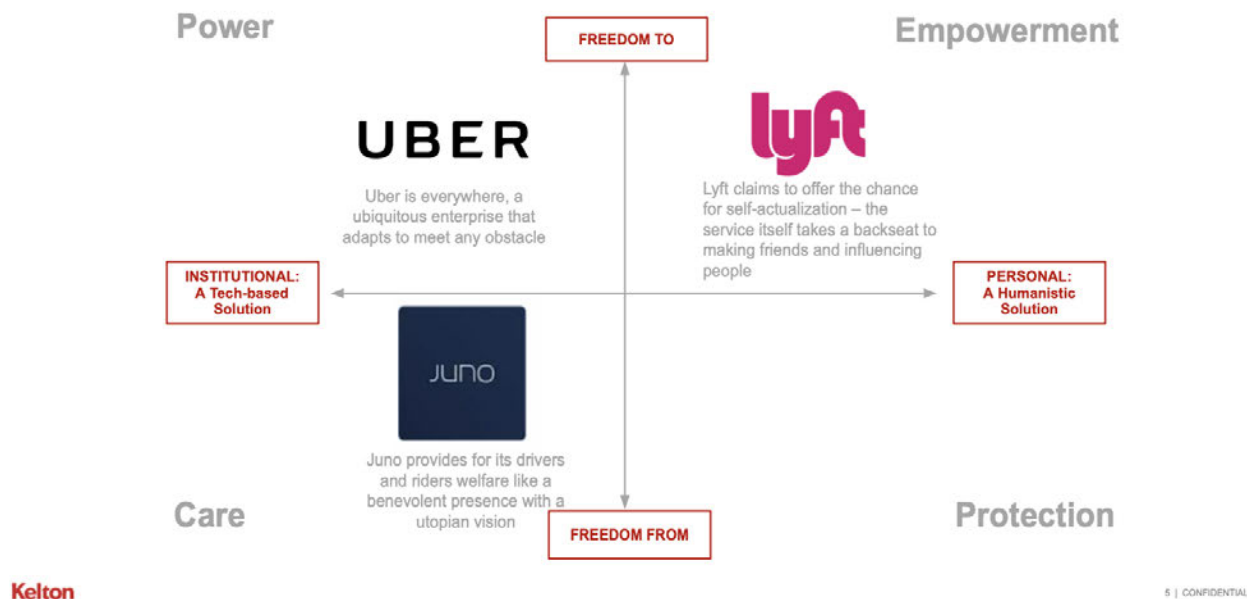


Figure 30. Kelton's analysis of Uber's brand compared to competition.

C. Company Reconfiguration and Continuation of Safety Branding (2017-2019)

114. In June 2017, Uber's CEO at the time, Travis Kalanick resigned after growing pressure resulting from public reports of the company's unethical corporate culture, including allegations that he ignored reports of sexual harassment at the company. A key report in this regard was the statement of Susan Fowler, who was hired as a site reliability engineer, and who, in February of 2017 posted a widely-read blog post titled "*Reflecting On One Very, Very Strange Year At Uber.*"¹⁰⁹ In it, she described being propositioned by a manager on her first day at Uber, and how her complaints to HR were dismissed because the manager was labeled a "high performer."

115. Fowler's post prompted an internal investigation at Uber and former U.S. Attorney General Eric Holder and this team were hired to conduct the investigation.¹¹⁰ The report led to the dismissal of several Uber employees and

¹⁰⁹ Fowler, S. "Reflecting on One Very, Very Strange Year at Uber." Accessed July 29, 2025. <https://www.susanjowler.com/blog/2017/2/19/reflecting-on-one-very-strange-year-at-uber>.

¹¹⁰ UBER_JCCP_MDL_005764222. Meeting of the Board of Directors – Recommendations.

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recommended that Kalanick step down. It exposed the fraught company climate and the challenges that Kalanick posed, suggesting numerous changes to including enhanced board oversight, additional internal controls, and improvements to training and human resources processes.

116. While Kalanick resigned as CEO in 2017, he retained his seat on the board of directors until he resigned the seat on December 31, 2019. In 2017, Kalanick was replaced as Uber CEO by Dara Khosrowshahi. Kalanick's departure was followed by a period of change and reform at Uber, including an attempt to shift culture and business practices. While some attention to new safety strategies began during this period, the momentum of previous safety branding continued to eclipse new safety initiatives.

117. After the 2016 settlements, in which Uber settled a lawsuit with California regarding the Safe Rides Fee, and a class action lawsuit on related claims, Uber was required to change the language regarding its safety branding. It agreed in the settlement that it would no longer brand itself as “the safest ride on the road.”¹¹¹ It was also no longer allowed to call its drivers’ background checks “the gold standard,” and it changed the name of its Safe Rides Fee to a booking fee. Nevertheless, Uber continued to prioritize safety in its brand image and internal documents in patterns that resembled what it had done before. Despite the change in leadership, and despite the settlement agreement, many of Uber’s marketing practices around safety remained consistent with its previous practices.

118. In a March 2017 document, for example, Uber emphasizes the deep connection between its brand and safety. The slide presentation exhorts its audience to “prioritize safety needs and feelings of trust.”¹¹² The slide is shockingly explicit: “Safety is a feeling. An instinct. A brand experience.”¹¹³ Imagine the version of this slide if the safety team existed outside the marketing team. Safety could have been defined as actual safety and security, enforced by Uber and communicated to riders. In Uber’s telling, safety is not a practice to be enforced but a feeling to be marketed—reassurance for riders rather than security.

¹¹¹ MacMillan, D. “Uber Agrees to Pay \$28.5 Million to Settle False Advertising Case.” *The Wall Street Journal*. (Feb. 12, 2016). Accessed July 13, 2025. <https://www.wsj.com/articles/uber-agrees-to-pay-28-5-million-to-settle-rider-safety-case-1455228038#>; Ross 30(b)(6) Dep. Vol. I 119:12-120:1 (“Q. Okay. It goes on to say, “No Superlatives: Avoid superlative statements about our safety and insurance program. We cannot claim that our product is the ‘safest,’ ‘the best in class,’ or ‘industry leading.’ ... The Deponent: These are terms that were part of the settlement that we are not able to use after 2016. And, yes, they are overpromises that were in campaigns prior to that date that we no longer use at all.”).

¹¹² UBER-MDL3084-000067465 at slide 3. Uber Trust and Safety Brand Narrative (Mar. 2017).

¹¹³ *Id.*

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119. The next slide is, if anything, more explicit:

Trust and safety sentiment unlocks opportunity for Uber. By understanding the relationship between safety and trust, brand and reputation, we can help spur growth, increase engagement, become the antidote for churn, and uncover a long-term lever for growth.¹¹⁴

120. The document goes on to note that “Uber brand love requires trust and safety,” that trust is “reciprocal with safety” and that brand love will mean that users “forgive brand failures”:¹¹⁵

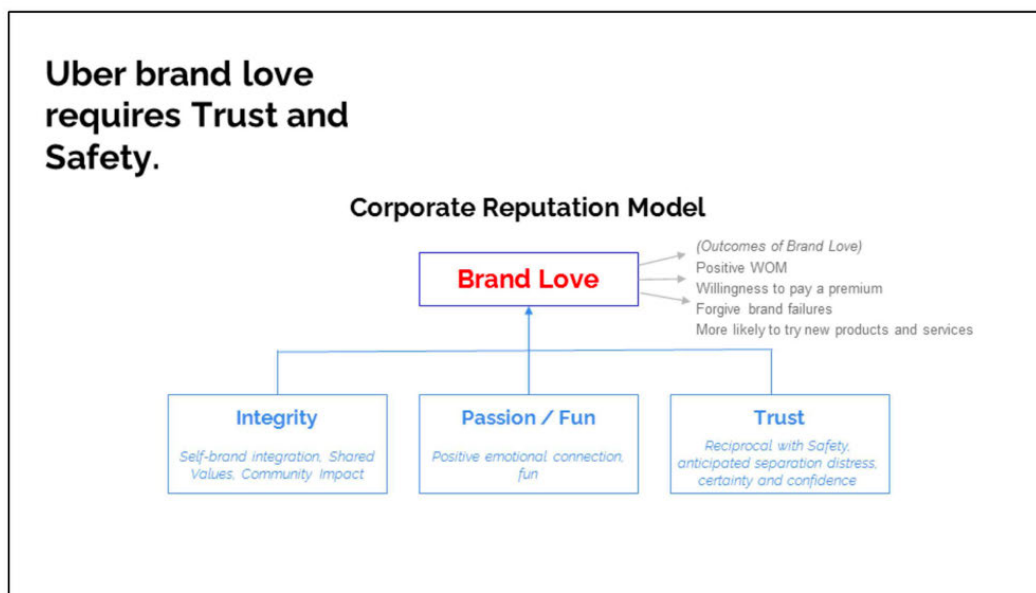


Figure 31. Uber branding documents pinpointing safety as essential to the brand.

121. In the same 2017 document, Uber also developed implementation tactics for bringing its messaging into the world. Here is an example of the specifications for ad creatives that it planned:¹¹⁶

¹¹⁴ *Id.* at slide 4.

¹¹⁵ *Id.* at slide 10.

¹¹⁶ *Id.* at slide 47.

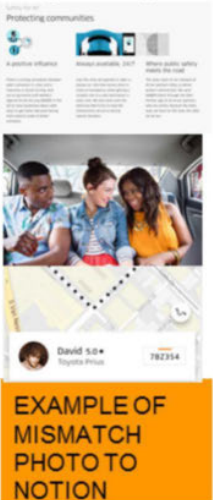
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Sharpening creative — getting our global visual language right.

Objective: *Ensure visual language communicates safety.*


- Safety is about real people in the real world. Where possible from budget prospective, communicate safety narratives through photography versus icons. Keep a humanistic approach.
- Showing that we're serious about safety means obsessing about the visual details. Riders should always have seat belts on any local regional or mega-regional advertising. Children should never be without a carseat in a vehicle.
- UX should strive to reduce uncertainty, no matter how small. Certainty contributes to feelings of safety. For example, many first timers don't recognize that we provide the license plate number in the app, and are anxious trying to identify the car. A small one-time overlay both educates riders and increases certainty.
- The dimensions of safety all have different visual identities. Understanding the consumer differences is key to reaffirm the message. See slide X for full library.

NO (X MARK)



EXAMPLE OF MISMATCH PHOTO TO NOTION

YES (CHECK)



EXAMPLE OF MATCHED PHOTO TO NOTION

Figure 32. Uber's ad creatives for implementing its safety branding and marketing strategy.

122. In addition, Uber also planned a “full website and SEO strategy overhaul keeping safety in mind,”¹¹⁷ and developed an extensive actionability map,¹¹⁸ and a detailed list of groups in the company who would be involved in implementation.¹¹⁹

123. In November of 2017, in a global branding document, the company noted that the primary key performance indicator (KPI) is “safety sentiment,” while a secondary KPI is “safety behavioral metrics.”¹²⁰ The priority in this document is reputational branding:

¹¹⁷ UBER-MDL3084-000067465 at slide 48

¹¹⁸ UBER-MDL3084-000067465 at slide 57.

¹¹⁹ UBER-MDL3084-000067465 at slide 66.

¹²⁰ UBER_JCCP_MDL_000190756 at slide 22. Safety x Live Background + Thought Starters, Information for the Global Brand + Marketing Partnerships Team (Nov. 2017).

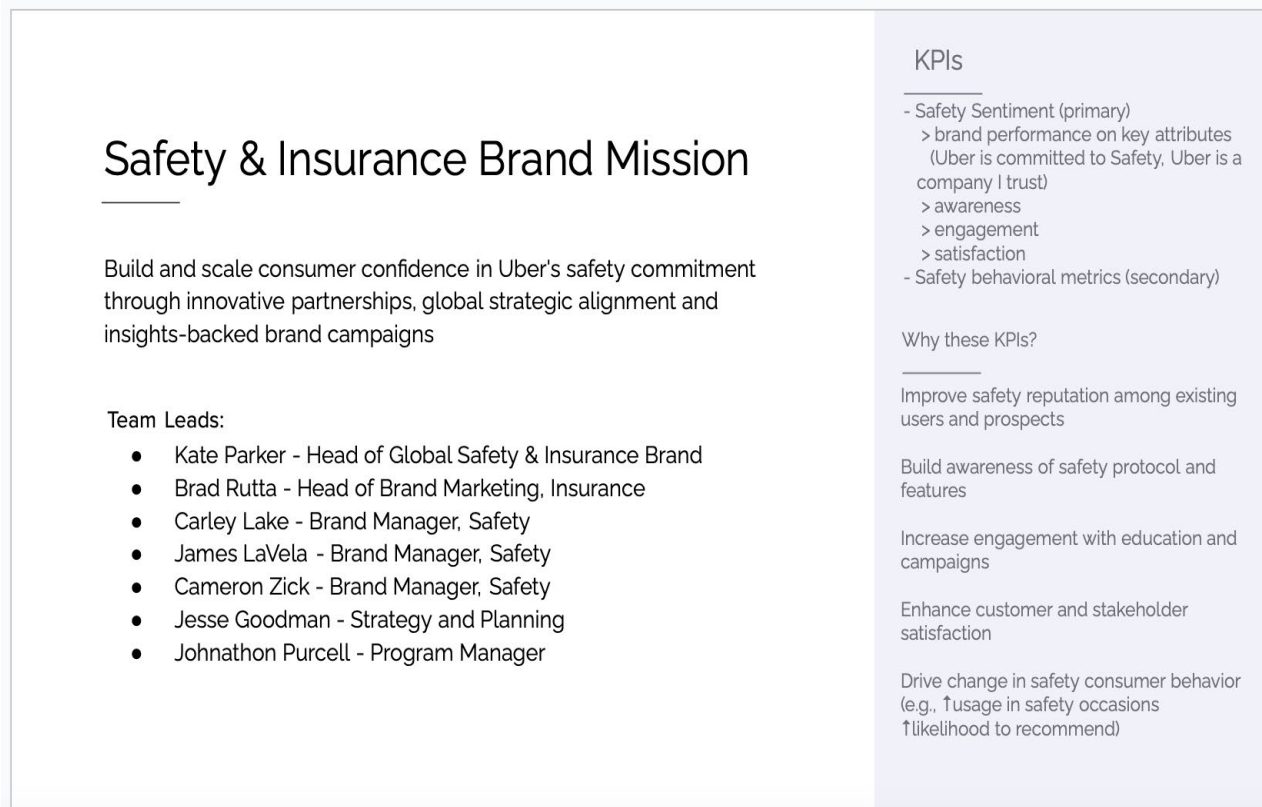
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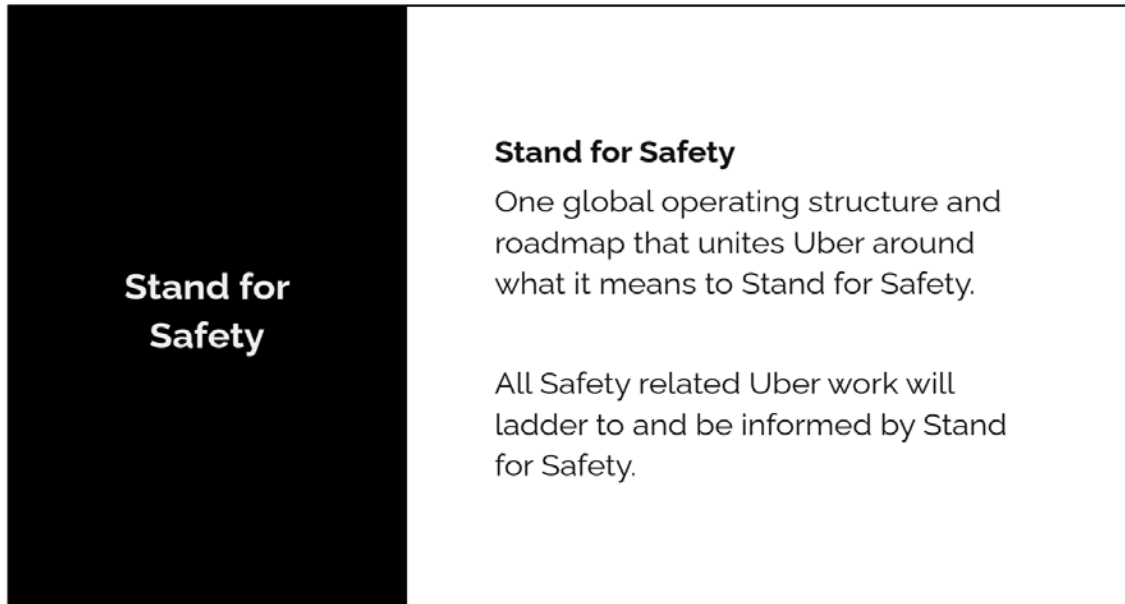
Figure 33. Uber's stated KPI's have safety sentiment listed as primary, and safety behavioral metrics, secondary.

124. In another 2017 document, Uber continued to work toward establishing its safety reputation with a new program called Stand for Safety. When it introduced the program, it said that for 2018, safety is the company's “#1 Priority.”¹²¹ The program was set to roll out in 2018 and began with a February 2018 summit. The goal was for the program to govern all of Uber's practices globally:¹²²

¹²¹ UBER_JCCP_MDL_001113654 at slide 1. Stand for Safety - 2018 Strategy and Plan (May 2018).

¹²² UBER_JCCP_MDL_001113654 at slide 8.

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Global Strategy and Execution that unites Uber around the Stand for Safety.

Figure 34. Uber aims to create unification across the company around the importance of safety.

125. The program was built, in part, to develop new safety practices at Uber. Nevertheless, the program also emphasized that a key objective was to “ensure users feel that Uber is deeply committed to safety.” Once again, reputation and public sentiment are a focus of the brand campaign:¹²³

¹²³ UBER_JCCP_MDL_001113654 at slide 16.

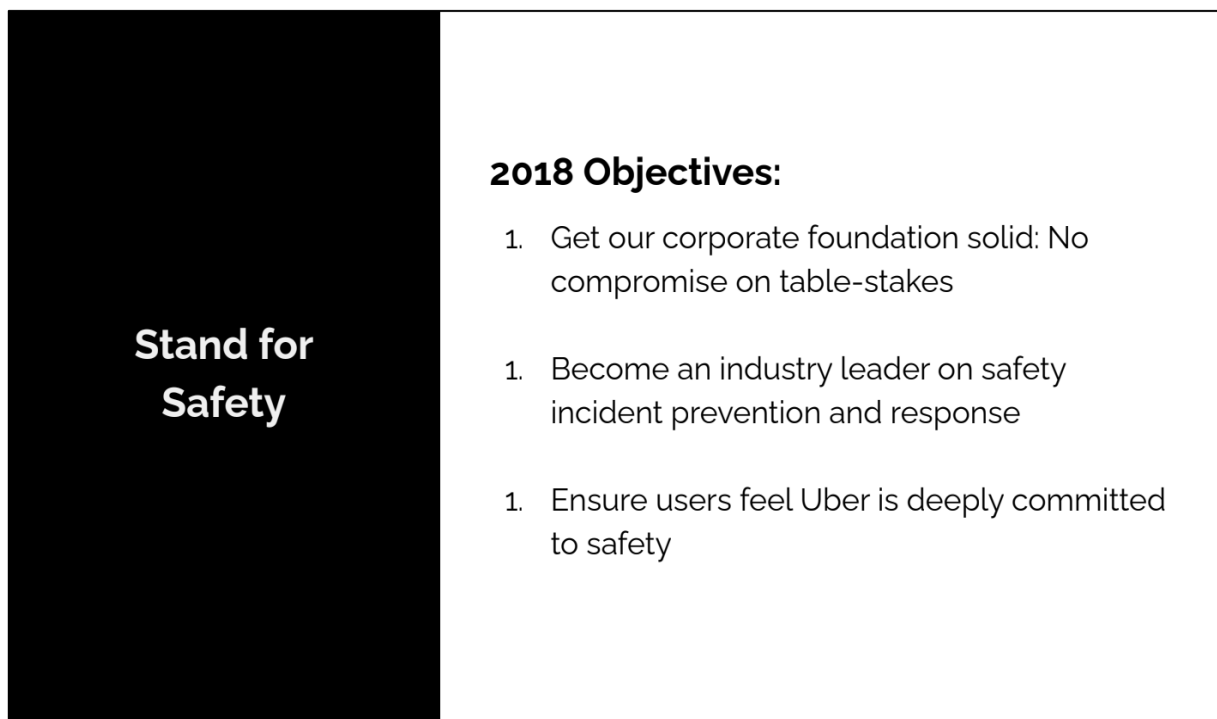
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Figure 35. Stand for Safety objectives.

126. It is worth noting that in the slide above, Uber implies that it has compromised on safety in the past and plans no longer to do so.

127. An additional facet of safety branding at Uber was the role of driver ratings in giving riders the perception of safety. A product feature document from January 2017 said that “[r]atings pull the vast majority of weight today in ensuring safety perceptions among riders—hugely valuable.”¹²⁴ The March 2017 deck discussed earlier had a slide describing the objective to “Communicate that we care about safety,” which listed the rating system as something that “riders ... most want to know.”¹²⁵

128. The perceptual value of ratings may have encouraged choices from Uber that undermined the value of the ratings. For instance, the rating was limited to the last 500 trips, rather than including all of the trips taken by the driver.¹²⁶ Similarly,

¹²⁴ UBER_JCCP_MDL_000303417. Concept Feedback Master Table (Jan. 26, 2017).

¹²⁵ UBER-MDL3084-000067465 at slide 45.

¹²⁶ UBER-MDL3084-000002859. Safe rides, safer cities (“Your rating is based on an average of the number of post-trip stars riders gave you (from 1 to 5 stars), up to your last 500 rated trips or the total number of rated trips you’ve taken, if less than 500.”).

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unrated trips were simply ignored for the purposes of calculating the driver's rating.¹²⁷ There are many ways to impute missing values in a data set; Uber's approach encourages higher ratings to be shown to potential riders.

129. In a 2018 "Rider Safety Education (Content Marketing) Brief", the program is being implemented with a focus on brand sentiment, which is listed as a key performance indicator (KPI):¹²⁸

OBJECTIVE + KPI

Create and provide valuable, relevant, and instructional consumer content that builds brand trust and the confidence and certainty that Uber is committed to safety.

1. **Lifecycle channels:** Meet consumer safety needs by infusing safety education + safety product education into driver user journeys (e.g., what to do in an emergency, how background checks work, how to use safety features).
2. **Website:** Create a consistent and compelling website presence across Safety and Insurance topics [engagement/visitation, favorability] - **This is a separate project but important to sync and align across projects.**

KPIs

- Brand sentiment
 - Survey "Uber is committed to safety"
 - Social Sentiment - via Brandwatch dashboard
 - Organic social - performance against current benchmark/average engagement

LOCATIONS

Figure 36. Campaign objectives and KPI's.

130. I can also see echoes of this program in the H2 2018 Safety and Insurance Brand Plan, which uses the language "Make Uber the safest and the most trusted transportation choice,"¹²⁹

¹²⁷ Dep. Valerie Shuping, Apr. 17, 2025. 52:11-21 ("How does it count in the driver's score if a passenger doesn't rate a trip? A. It doesn't count. It's - - it's not a zero. I guess if that's what you're asking. It just is blank, null. Q. Okay. So the star rating is calculated over a number of trips that only have ratings; is that right? A. Right. Because we don't know how to - - we don't know what the rating for the empty one is.").

¹²⁸ Ross 30(b)(6) Dep. Vol. I, Ex. 1056. UBER_JCCP_MDL_000250691. Rider Safety Education (Content Marketing) Brief (Apr. 13, 2018).

¹²⁹ UBER-MDL3084-000159988 at 9989. Safety and Insurance, H2 2018 Brand Plan (2018).

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Figure 37. Internal Uber presentation.

131. In the same document, I can see that in H1 of 2018, Uber was focused on reputational challenges:¹³⁰

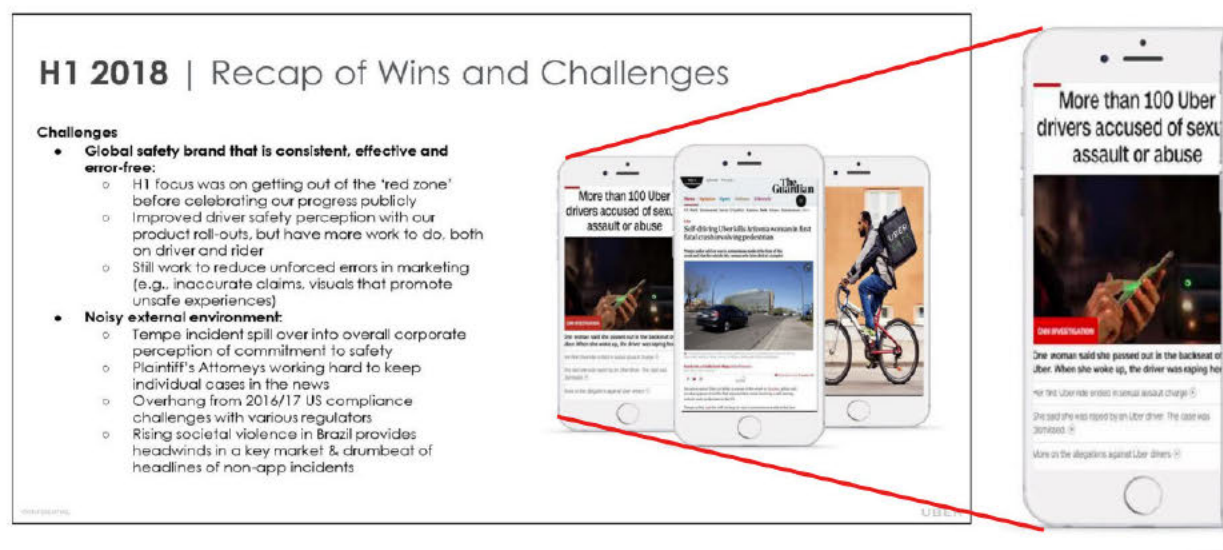


Figure 38. Uber highlighting CNN's investigative report as a challenge in 2018.

132. By 2019, despite its Stand for Safety campaign, Uber was dealing with a much wider public reputational challenge, and its internal documents show that it was developing campaigns to address these challenges. In the following document, I

¹³⁰ UBER-MDL3084-000159988 at 9991. The article in the screenshot above is available in an updated form here: CNN. CNN Investigation: 103 Uber Drivers Accused of Sexual Assault or Abuse (Apr. 30, 2018). Accessed Aug. 17, 2015.

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observe Uber noting headlines that depict reporting on sexual harassment allegations concerning its platform:¹³¹

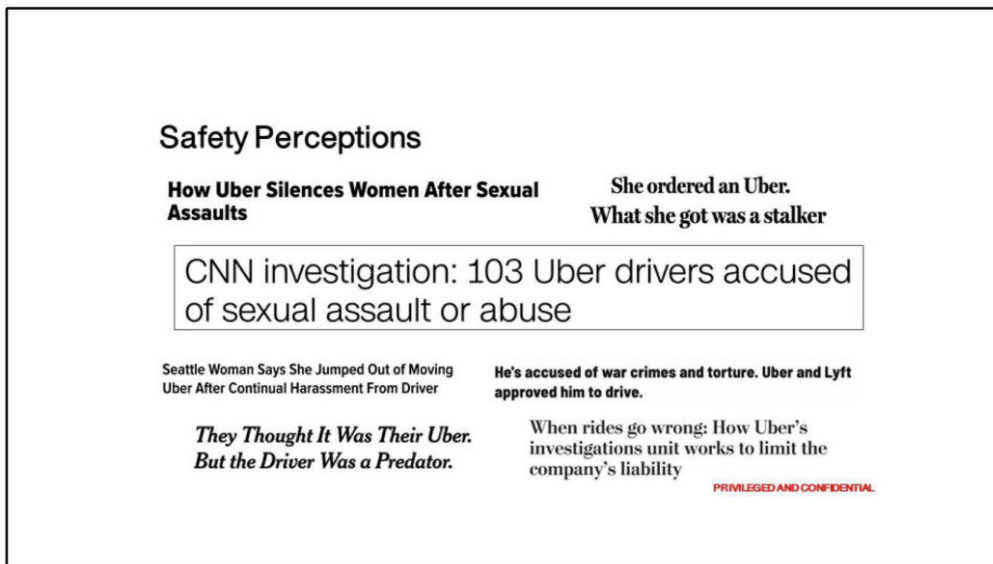


Figure 39. Uber noting headlines that depict reporting on sexual harassment allegations concerning its platform.

133. In a document that assesses the media climate, Uber develops tactics for “flipping the narrative” in its media presence and writes mockup titles:¹³²

¹³¹ UBER_JCCP_MDL_001720191 at 0195. Project T, Onboarding (Sept. 30, 2019).

¹³² UBER_JCCP_MDL_000510521.0007. Safety Communications (Nov. 30, 2018).

HIGHLY CONFIDENTIAL**Flipping the Safety Narrative**

Figure 40. Uber explores “flipping the narrative” in its media presence and writes mockup titles.

134. The 2019 campaign Safety Never Stops doubled down on Uber’s safety narrative, asserting Uber aggressively as a safe company—a job that is never finished.¹³³ As I discussed above, safety is contextual, and riders were likely to interpret campaigns such as these through the particular dangers they were worried about. For young women, likely safety meant freedom from sexual assault. In planning documents for this campaign, Uber states that “[s]afety features make riders believe Uber is committed to safety, thus makes them feel safe riding with Uber.”¹³⁴ Uber also contemplates ads that imitate advertising for safety in the airline industry. This aspirational comparison does not acknowledge the regulatory framework in which the airline industry operates.¹³⁵

135. Despite Uber’s attention to reports of sexual assault on its platform, the prolific reputational messaging continued to pummel its user base, sometimes in ways that seem egregious in hindsight. The relentless messaging around safety was central to Uber’s branding strategy throughout its history. During this marketing phase, several plaintiffs received a safety notification on the same day as reporting an

¹³³ UBER_JCCP_MDL_002063229 at slide 6.

¹³⁴ UBER_JCCP_MDL_002063229 at slide 4.

¹³⁵ UBER_JCCP_MDL_002063229 at slide 9.

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assault—highlighting a striking disconnect between the reality on the ground, and the safety messaging campaign. Here I will briefly describe these messages, with a full discussion in below.

136. For instance, [REDACTED] received this “Pro Tip” in her Uber app on the day of her incident, March 26, 2019:¹³⁶

Author: Pro Tips

Title: Share your trip details with loved ones

Content:

Let friends and family follow your route and know when you arrive safely. Here's how:

1. Tap the shield icon on your map screen, then tap Share My Trip.
2. You can also set up reminders to share your trip whenever you ride at night by designating up to 5 people as Trusted Contacts.

Button: Learn more

URL: https://www.uber.com/ride/safety/?utm_source=helix\u0026utm_medium=inapp\u0026utm_campaign=latenight

Figure 41. [REDACTED] in-app message from the day of her incident.

137. [REDACTED] and Jaylynn Dean received safety reminders via a push notification on their phones from Uber on the day of their incidents stating, “Even on a short ride and seated in the back, use a seat belt for safety.”¹³⁷ [REDACTED] similarly received a push notification on her phone from Uber on the day of her incident, “Buckle up, turn up the volume, and check out the sounds of safety.”¹³⁸

138. In response to the many sexual assault allegations surrounding the company, in 2019, Uber also released a safety report based on 2017–2018 data. The document offered data and information about the safety incidents on its platform.¹³⁹

¹³⁶ UBER-MDL3084-BW-00000033 at I618. CRM Communication Log for [REDACTED]. (“[REDACTED] Comm Log”)

¹³⁷ UBER-MDL3084-BW-00000012 at I57787. CRM Communication Log for [REDACTED] (“[REDACTED] Comm Log”); UBER-MDL3084-BW-00000017 at I1459. CRM Communication Log for Jaylynn Dean (“Dean Comm Log”)

¹³⁸ UBER-MDL3084-BW-00000014 at I66431. CRM Communication Log for [REDACTED]. (“[REDACTED] Comm Log”)

¹³⁹ Uber. US Safety Report (2017-2018). Accessed July 30, 2025. https://www.uber-assets.com/image/upload/v1575580686/Documents/Safety/UberUSSafetyReport_201718_FullReport.pdf. (“Uber Safety Report (2017-2018)”)

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As I discuss below, this safety report and the two that followed it were master classes in presenting data to influence, not inform.

139. In “Safety Brand Tracker,” a 62-slide presentation about sentiments around safety from 2019, Uber continued to conceive of its safety marketing as a matter of changing perception:¹⁴⁰

Global Safety Sentiment		
Audience	Key Areas	Target
Rider	Improve audience's perception that Uber is Committed to Safety.	79%
Driver		82%
Non User		55%

The goal is to maintain for non-users and +5 for rider/driver

The global sentiment KPI includes US, UK, MX, BZ, IN, weighted by GB

Figure 42. Uber is interested in the perception of their commitment to safety.

140. Uber also continued to embed its safety department in the marketing divisions of the company, as is evident in the following 2019 slides. Uber’s work on safety was deeply embedded with its branding and marketing, as evinced by the following two slides.

141. Here Uber illustrates that the Safety & Insurance Organization includes a product marketing function, which includes safety branding:¹⁴¹

¹⁴⁰ UBER_JCCP_MDL_001617918 at slide 7. Safety Brand Tracker, 2019 Global Report (2019).

¹⁴¹ UBER_JCCP_MDL_000420202 at 0212. Safety & Insurance Marketing (Sept. 30, 2019).

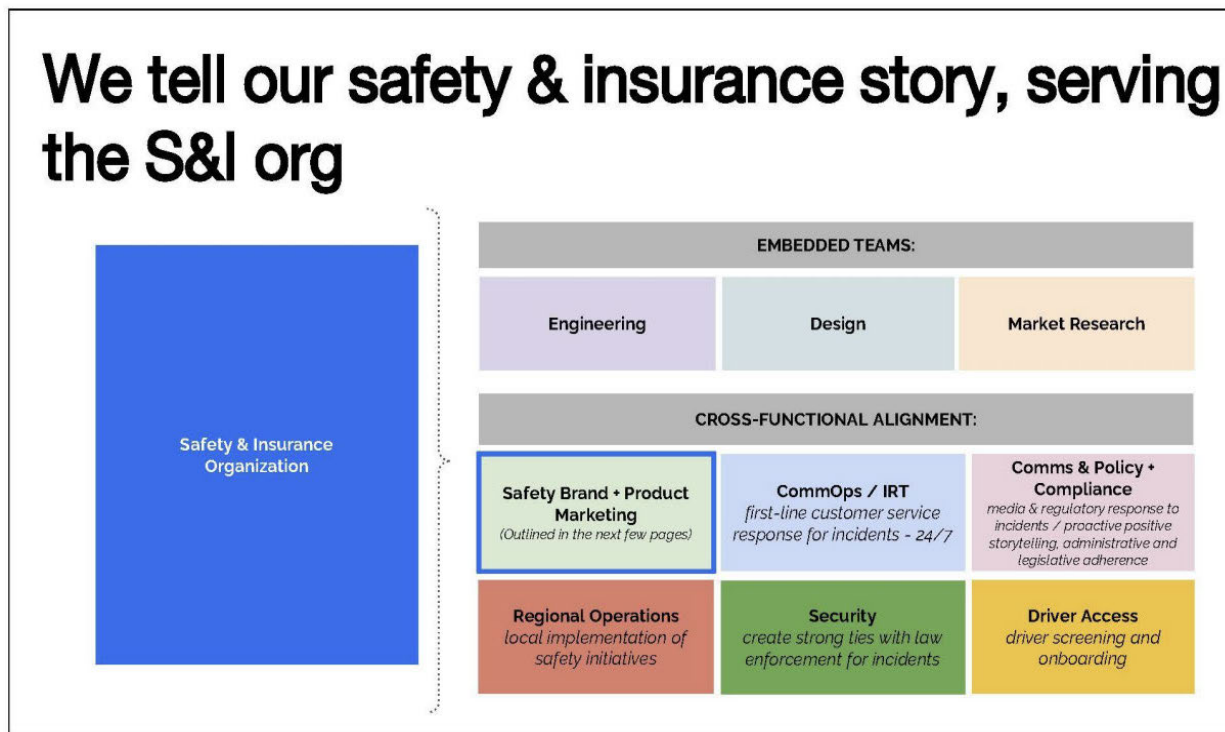
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Figure 43. Uber's Safety & Insurance Marketing from 2019.

142. In the same slide deck, Uber illustrates that Women's Safety was a division of the Brand Marketing Team:¹⁴²

¹⁴² UBER_JCCP_MDL_000420202 at 0213.

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Figure 44. Brand and Product Marketing Teams have a large focus on safety initiatives.

143. The same document indicates that Uber continues to deal with media attention to its practices in reckoning with reputational marketing. In the following slides, Uber observes “frequent media reports of sexual and gender-based violence.” It notes a number of headlines that highlight violence toward women on Uber platforms. The document also notes that “in the US females are twice as likely to limit rides when alone,” which suggests that it is interested in tackling this difference as a safety marketing challenge:¹⁴³

¹⁴³ UBER_JCCP_MDL_000420202 at 0255.

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Women's Safety and Gender-Based Violence

- Frequent media reports of sexual and gender-based violence have created a vivid narrative across the globe.
- Uber's perceived inaction - mixed with sexual harassment claims and a 'bro' culture - fuels inaccurate belief that such incidents are on the rise and that Uber does not care about women's safety.
- We've seen this primarily impacting women but also marginalized groups including members of the LGBTQ+ community

In the U.S., females are twice as likely as males to limit rides when alone (11% vs 5%)

Figure 45. Uber's Safety & Insurance Marketing presentation from 2019.

144. In the following slide, Uber also observes that sexual assault is a key challenge for safety in the United States, as opposed to other forms of violence and threats that are prominent in other countries:¹⁴⁴

¹⁴⁴ UBER_JCCP_MDL_000420202 at 0208.

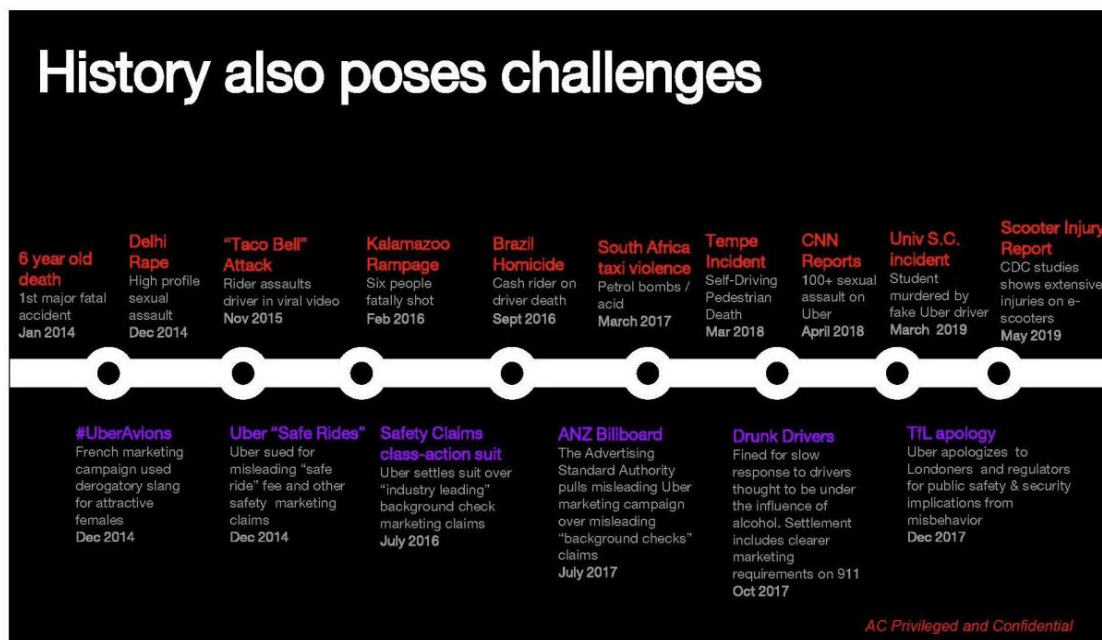
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Figure 46. Uber's Safety & Insurance Marketing presentation from 2019.

145. In another slide, Uber acknowledges that its history poses challenges to its reputational marketing. It acknowledges internally what was being reported on in the press. For instance, in 2018, CNN reported on the pattern of rape on its platform from 2014-2018.¹⁴⁵ Far from being in a situation where it can easily leverage its record for safety in its marketing, as the fictive headlines discussed earlier could have allowed, the company is contemplating ways that it can appear safe despite the long history of safety incidents on its platform globally and in the United States:¹⁴⁶

¹⁴⁵ O'Brien, Sara A., et al. "CNN Investigation: 103 uber drivers accused of sexual assault or abuse." *CNN* (Sept. 28, 2018). Accessed September 9, 2025. <https://www.cnn.com/2018/09/28/tech/uber-driver-sexual-assault>.

¹⁴⁶ UBER_JCCP_MDL_000420202 at 0209.

HIGHLY CONFIDENTIAL

USC incident moved us down with corporate rep

Figure 47. Uber has a history of sexual assault from around the globe.

146. In this period, Uber's marketing strategy continues to emphasize safety sentiment as its key priority. In the following slide, the company lists as a key initiative "land compelling safety campaigns that move the awareness/sentiment needle":¹⁴⁷

¹⁴⁷ UBER_JCCP_MDL_000420202 at 0244.

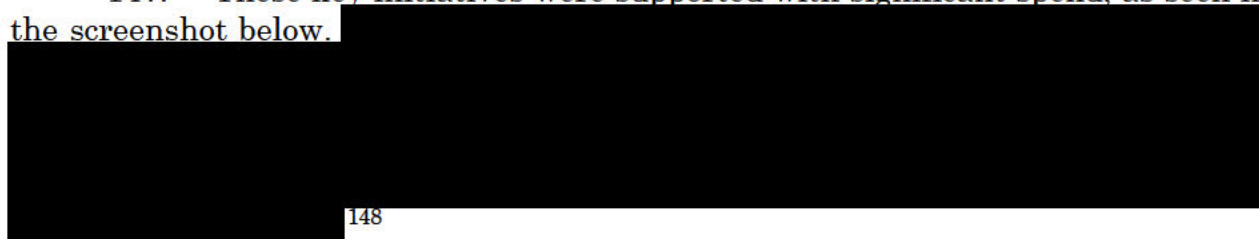
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Key Initiatives

1. Land compelling safety campaigns that move the awareness / sentiment needle (see KPIs):
 - a. Land master brand narrative, creative brief, new visual identity, and all safety basics.
 - b. Build research-backed campaigns for 1. Active Riders, 2. Opinion Elites, 3. GenPop, and 4. Women-Direct audiences that are proven to influence Corporate Safety Sentiment KPIs. [Plan](#).
 - c. Support US, ANZ, EMEA, India and LatAm regional teams on Safety campaign plans.
 - d. Launch Partner Injury Protection [Campaign](#) (US, ANZ and France/UK).
2. Launch the US Transparency Report with surgical precision and mitigated spill-over:
 - a. Draft and finalize report content and data visualizations
 - b. Land the consumer and business client mitigation strategy & execution
 - c. Ready a reactive (crisis) consumer plan for worst-case scenario post-launch
 - d. Establish industry engagement model (Create and Launch advocate Corporate Transparency Consulting Arm)
3. Deepen our issue-specific campaign bench to ensure brand thought-leadership:
 - a. Scale [#DontStandBy](#), ['Back to School'](#), ['Check Your Ride'](#) and ['Community Guidelines'](#) campaigns to global teams
 - b. Create global Road Safety campaign to showcase Safety in new modalities
 - c. Support regional adoption of v1 foundational programs (industry safety events, [Driving Change](#))

Figure 48. Uber's marketing strategy continues to emphasize safety sentiment as its key priority.

147. These key initiatives were supported with significant spend, as seen in the screenshot below.



148

¹⁴⁸ UBER_JCCP_MDL_002527017 at tab Pivot Table 1. US&C - H2 Marketing Priorities (2019).

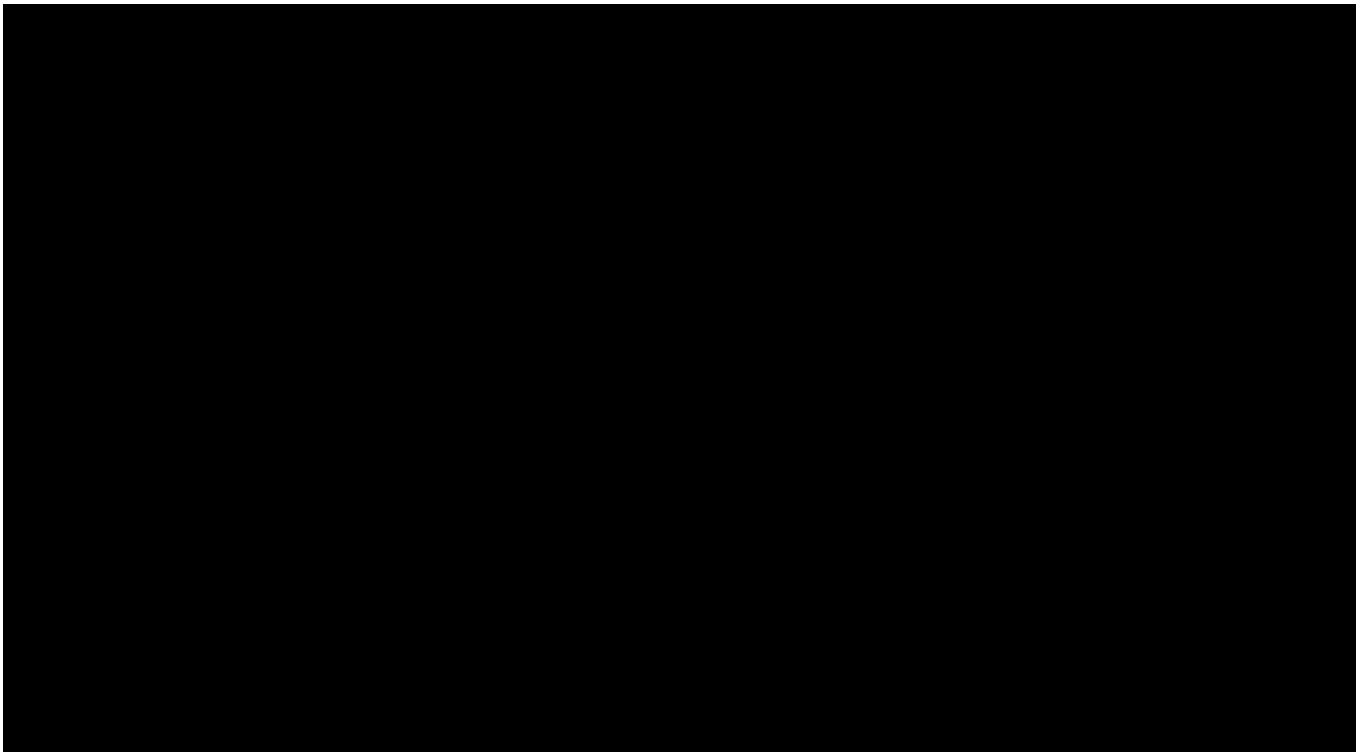
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Figure 49. Various Uber teams have budgets for safety initiatives including Brand&Creative, Regional US&C, and Research.

148. In general, in the period from 2017-2019, Uber used its marketing to battle a reputation for unsafe practices. It remained concerned primarily with sentiment and reputation. While it may have adopted some new practices to enhance safety, its branding and reputational challenges prioritized safety messaging. This messaging, as seen in detail below, did not give its users or potential users enough information to make informed decisions of relative risk when hiring an Uber.

D. Defending the Brand: Uber's Safety Reports

149. As I mention in my qualifications, above, for the last decade, I have taught a class to master's students called "Telling Stories with Data." The class, which uses works such as *How Charts Lie*,¹⁴⁹ *Persuading with Data*,¹⁵⁰ and *Effective Data Storytelling*,¹⁵¹ aspires to help students recognize when data presentation informs and when it misleads. Although not part of the class curriculum, Uber's U.S. Safety Reports would be perfect for inclusion, as they are a case study in misleading data presentations.¹⁵² The reports are presented as candid disclosures about safety, but are,

¹⁴⁹ Cairo, A. (2019).

¹⁵⁰ Kazakoff, M. (2022).

¹⁵¹ Dykes, B. (2019).

¹⁵² Uber Safety Report (2017-2018), Uber. US Safety Report (2019-2020). Accessed Aug. 12, 2025. <https://drive.google.com/file/d/1r2gUgnux2MzM4YMi6D3nwHJb2UaZ5Yjv/view?usp=sharing&uclick>

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in substance and execution, public relations documents designed to bolster Uber's image rather than give consumers the information they need to assess their safety.

150. The organization of the reports de-emphasizes the scope and frequency of safety risks. The most alarming statistics—sexual assaults and other severe safety incidents—are buried deep in the document, after pages of “forewords,” “safety investment” descriptions, and promotional content about new app features. This is not an accident: placing the most concerning information late in a long report reduces the likelihood it will be read, remembered, or covered prominently in the media.

151. Uber consistently frames statistics in a way that makes incidents seem rare, rather than giving readers the statistics in ways that encourage understanding. For example, in the 2017–18 report, Uber opens the executive summary reporting statistics with a “relative framing” in boldface: “The vast majority (99.9%) of Uber trips end without any safety-related issue at all.” The report then shares that “0.1% of trips had a support request for a safety-related concern” and “0.0003% of trips had a report of a critical safety incident, which are the incidents referenced in this report.” At the time of the report, Uber was completing 4 million rides per day, so an “absolute framing” of these numbers would say “1.46 million Uber trips each year have a support request for a safety-related concern” and “5,981 trips during the two years of this study had a critical safety incident.” Relative framing, such as “0.0003% of trips” or “1 in 5 million trips” obscure the real-world meaning that is clearer with absolute figures. These 5,981 critical safety incidents during the two years are an average of 8 per day. When I account for all sexual assault or sexual misconduct categories Uber measures (including the ones it omits from public reports) in 2017-18, there are 164,544 total incidents.¹⁵³ From 2017 through 2024, the total number of incidents rises to 546,196 incidents or one incident every 8 minutes.¹⁵⁴

152. Examples of the dichotomy of data presentation abound. For instance, an academic article on smoking describes the risks to academics as “the rate of death from any cause among current smokers was about three times that among those who had never smoked.”¹⁵⁵ In an effort to communicate to a lay audience, the authors also write, “Smokers lose at least one decade of life expectancy,” a conclusion that elicits

[_id=ef753a91-aa7c-498a-a803-3ce3c48b9c08](https://uber.app.box.com/s/lea3xzb70bp2wx3k3d9k2ghcyv687x3?uclid=ef753a91-aa7c-498a-a803-3ce3c48b9c08) (“Uber Safety Report (2019-2020)”; Uber. US Safety Report (2021-2022). Accessed Aug. 12, 2025.
<https://uber.app.box.com/s/lea3xzb70bp2wx3k3d9k2ghcyv687x3?uclid=ef753a91-aa7c-498a-a803-3ce3c48b9c08> (“Uber Safety Report (2021-2022)”)

¹⁵³ Incident Report Classification of Dominant Tickets for 2017-2024. (“2017-2024 Stats”)

¹⁵⁴ For the years of the Uber Safety Reports, 2017–22, there were 392,828 reported incidents.

¹⁵⁵ Jha, P., Ramasundarahettige, C., Landsman, V., Rostron, B., Thun, M., Anderson, R. N., ... & Peto, R. (2013). “21st-century Hazards of Smoking and Benefits of Cessation in the United States.” *New England Journal of Medicine*, vol. 368, no. 4, pgs. 341-350.

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an appropriate level of alarm from a reader. Good expositors of data present results in multiple ways to reach an audience of nonspecialists.

153. As an educator in this field, I recognize that data-driven communication can be difficult and mistakes such as absolute versus relative framing are made by students regularly. If this were a simple mistake, I might expect this framing to continue into the 2019–20 report. This second report, however, shows that this framing is deliberate. The period of this report covers the beginning of the COVID-19 pandemic, with an associated drop in completed trips. As trips drop, incidents drop as well. The 2019–20 report opens the sexual assault section of the executive summary with this quotation, once again in boldface: “The total number of sexual assault reports across the 5 categories included in this report went from 5,981 in 2017-2018 to 3,824 in 2019-2020.” Uber chooses whichever framing reinforces a message of safety, regardless of the underlying data.

154. Similarly, Uber’s reports omit the vast majority of sexual assault and sexual misconduct reports they receive. From 2017 to 2022, Uber logged 392,828 such reports in the U.S. but made public only 12,522—just 3.2%.¹⁵⁶ The public reports cover only the five “most serious” sexual assault categories, leaving consumers unaware of 96.8% of reported incidents.¹⁵⁷ There is nothing wrong with having different categories of incidents, but the wholesale omission of 96.8% of reported incidents is misleading. Moreover, more than two out of three sexual assaults are not reported, based on data from RAINN.¹⁵⁸ Uber was aware of this statistic, writing in the 2019–20 Safety Report, “[t]he majority of sexual assaults are not reported to police, with estimates of more than 2 out of 3 sexual assaults going unreported.” The RAINN estimates are based on a study from the Bureau of Justice Statistics (“BJS”). The BJS estimates the fraction of sexual crimes that go unreported in its annual National Crime Victimization Survey. In Section VIII.A, I analyze the extent of underreporting for the types of incidents Uber tracked. The total number of incidents from 2017–2022, the years when Uber has released Safety Reports, is shown in the figure below.

¹⁵⁶ Compare, 2017-2024 Stats, with Uber Safety Report (2021-2022).

¹⁵⁷ Omitted categories include “Non-Consensual Touching of a Non-Sexual Body Part,” “Attempted Kissing/Touching of a Sexual Body Part,” “Verbal Threat of Sexual Assault,” “Masturbation/Indecent Exposure,” and “Indecent Photography/Video Without Consent.”

¹⁵⁸ RAINN. The Criminal Justice System: Statistics. Accessed Aug. 17, 2025. <https://rainn.org/statistics/criminal-justice-system> (“Only 310 out of every 1,000 sexual assaults are reported to police”).

HIGHLY CONFIDENTIAL**Sexual assault & misconduct incidents related to Uber rides, U.S. (2017–2022)**

Public disclosures vs. reports received by Uber.
Likely total based on modeled underreporting.

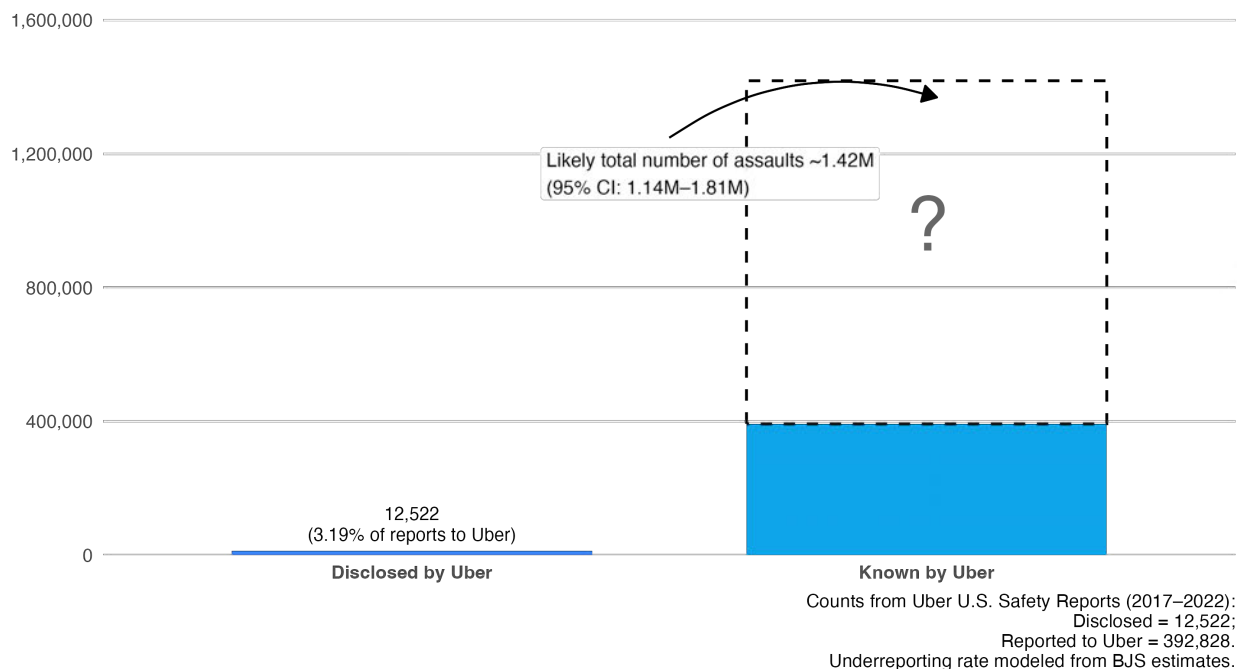


Figure 50. The number of sexual assaults and misconduct incidents in Uber cars in three categories: those disclosed by Uber, those reported to Uber, and likely actual number.

155. In Section VIII, I illuminate shortcomings from Uber’s Safety Reports in two ways. Using estimates of under-reporting of crime statistics from the Bureau of Justice Statistics’s National Crime Victimization Survey, I built estimates of the actual, not reported, numbers of sexual assaults on Uber’s platform. I then explore risk factors for sexual assault. Factors easily calculatable by Uber, useful to Uber’s customers, and conspicuously absent from the Safety Reports.

156. These omissions caused internal tensions at Uber, as the *New York Times* reported. As the reporter reports, “Tracey Breeden, who was in charge of women’s safety at Uber at the time [of the report release], refused to participate in the public relations for the initial report...” The article quotes a statement she made, saying “[i]t is an ethical and social responsibility of companies to lead with openness and honesty, publicly sharing risks and trends of harm connected to their products and platforms. Companies have opportunities to strengthen community and consumer

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trust while also reducing harm.”¹⁵⁹ She echoes this sentiment in her deposition saying, “I believe that the public has a right to know and there should be transparency from organizations about, um, you know, safety incidents and what those incidents are and then what the actions are that the company takes to address those.”¹⁶⁰

157. Uber’s spin in its safety reports extends to its charts. In the 2019–20 report, Uber includes this figure without y-axis labels:

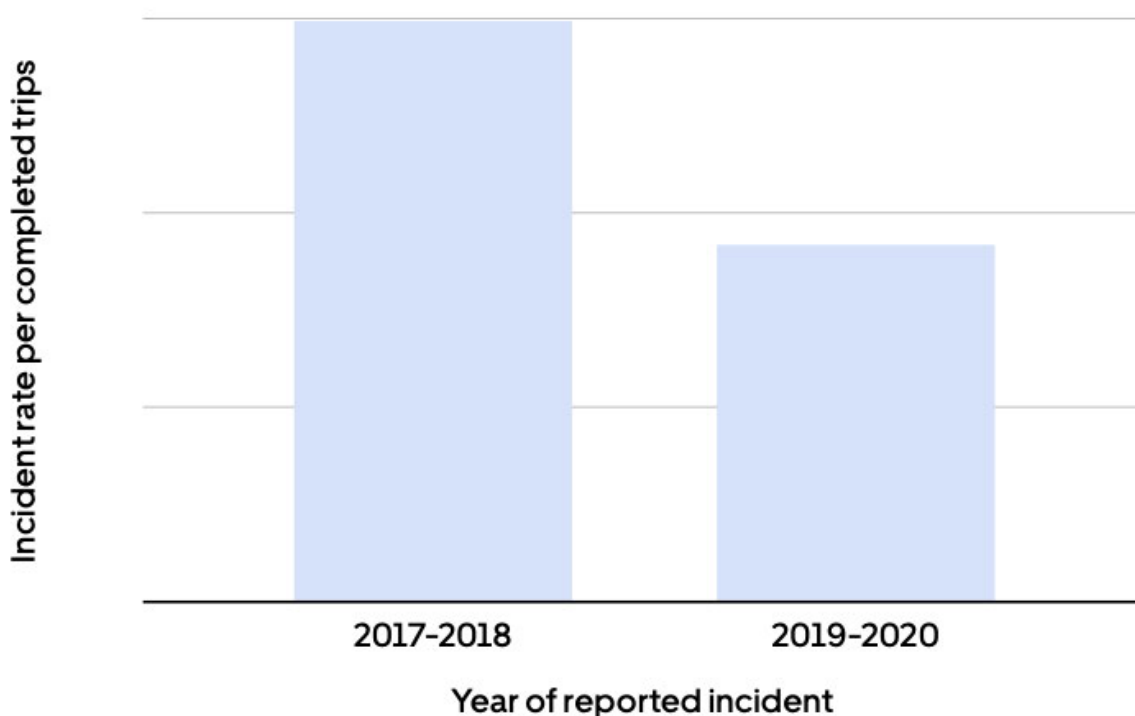


Figure 51. A figure from Uber’s safety report lacking a y-axis label makes it unclear what the reader is looking at.

158. This chart emphasizes the drop in absolute incidents but removes axis labels to discourage focus on the specific numbers.¹⁶¹ As Darrell Huff wrote in the seminal *How to Lie with Statistics*,¹⁶² “[p]lace little faith in an average or a graph or a

¹⁵⁹Steel, E. “Uber’s Festering Sexual Assault Problem.” *The New York Times* (Aug. 6, 2025). Accessed Aug. 10, 2025. <https://www.nytimes.com/2025/08/06/business/uber-sexual-assault.html>. (“Steel 2025”)

¹⁶⁰ Dep. Tracey Breeden, Mar. 14, 2025. Vol. II (“Breeden Dep. Vol. II”) 305:20-25.

¹⁶¹ Uber. US Safety Report (2019-2020) at 57. Fig. 10: 2017-2020 sexual assault rate, aggregated across 5 categories. A text box nearby does include the numbers at the end.

¹⁶² Huff, D. (2023) “How to Lie with Statistics.” Penguin UK. pg. 51.

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trend when those important figures are missing.” Charts like this violate basic principles of honest data visualization and are precisely the kind of practice I warn students about: this chart communicates an impression, not the underlying reality.

159. Uber created an internal tool, the Safety Risk Assessed Dispatch (“S-RAD”) tool, to improve safety related to sexual assault or misconduct. Uber’s internal S-RAD tool purports to estimate the riskiness of specific trips based on factors such as time of day, day of week, pickup location, driver history, and passenger behavior.¹⁶³ This tool was considered confidential,¹⁶⁴ and Uber stated in the project brief that “unplanned disclosure of the tool could have significant reputational ... implications.”¹⁶⁵ Throughout the history of S-RAD, Uber displays a tremendous concern for the potential brand damage caused by public acknowledgement of the tool. Ultimately, this brand concern caused Uber to keep the information secret, preventing potential benefits to Uber’s customers, including the plaintiffs.

160. Internal documents,¹⁶⁶ now reported by the press,¹⁶⁷ show Uber identified distinct patterns for sexual assaults committed in association with Uber rides: women are most often the victims; incidents are more likely to occur late at night and on weekends; pickups originating near bars are riskier; offenders often have prior sexual misconduct complaints and low ratings; and intoxicated passengers are particularly vulnerable. Yet none of this pattern-based risk information appears in Uber’s public safety reports—information that could allow riders, especially vulnerable riders, and riders who are entering a car with a driver who has a previously reported misconduct incident, to make informed decisions.¹⁶⁸

¹⁶³ UBER_JCCP_MDL_002658347 at 8349. [PRD] SRAD nudges to trigger safety preferences configuration (May 22, 2024).

¹⁶⁴ UBER_JCCP_MDL_003398058. Email from Danielle Sheriden [dportugal@uber.com] to William-all-directs [William-all-directs@uber.com] re “Follow Up: Personal Safety Roadmap (H2 2018).” July 10, 2018 at 11:37 PM.

¹⁶⁵ UBER_JCCP_MDL_001738115. What is S-RAD? (May 21, 2019).

¹⁶⁶ UBER_JCCP_MDL_003668627. S-RAD Reactive Communication Plan (Sept. 25, 2019).

¹⁶⁷ Steel 2025.

¹⁶⁸ *Compare*, Ross 30(b)(6) Dep. Vol. I 173:22-174:17 (“Q. Okay. Do you - - I’ll represent to you that nowhere in this safety report or in any of Uber’s other safety reports does it share the information that it has about the increased risk of a woman being subjected to a sexual assault if she takes Uber while intoxicated. I make that representation. Do you have any knowledge or basis for disagreeing with that representation? A. No, not that I know of.”), *with* UBER_JCCP_MDL_000253977 at slide 8-15 (“Over half of audited Sexual Assault reports include an intoxicated rider...A third of Sexual Assault reports are indicated to have a rider who is alone in the vehicle. The majority of these cases involved a male driver as the accused party... In over 15% of audited Sexual Assault reports, the rider was indicated to be sitting in the front seat.”).

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161. S-RAD was not the only tool where Uber made use of internal assessments of risk that were not shared with vulnerable riders.

[REDACTED]

were not shared with riders, including the Plaintiffs.

162. There is nothing wrong with a company producing a public relations document. The problem here is that Uber brands these reports as “Safety Reports,” encourages the public and policymakers to treat them as authoritative, and positions them as transparency measures—while structuring them in ways that consistently downplay the scope of safety risks and withhold crucial information. From a data storytelling perspective, the reports show a disciplined, consistent narrative—but that narrative serves Uber’s reputation more than rider or driver safety. They appear to be designed not to alarm, but to reassure; not to inform consumers of risk, but to convince them that the company already has safety “handled.” Note, further, that Uber has not released a safety report since the 2021–22 report, despite having access to data from at least 2023 and 2024.

163. A useful point of comparison comes from public health, where leading institutions have long recognized that transparency is inseparable from accountability. Agencies such as the U.S. Centers for Disease Control (“CDC” and Prevention and the World Health Organization (“WHO”) release surveillance data with the explicit aim of empowering individuals, practitioners, and policymakers to

¹⁶⁹ UBER_JCCP_MDL_000482048 at slide 5. Align on SFS KPI Reporting Rec (May 22, 2023).

¹⁷⁰ UBER_JCCP_MDL_003211940 at 1942. 2024 Core Services Overall KPI Reference (Dec. 28, 2023).

¹⁷¹ UBER_JCCP_MDL_000479545 at 9549. US&C Monthly Metrics Catch Up (Feb. 2, 2022).

¹⁷² UBER_JCCP_MDL_003634606 at slides 5-9. Nov 20th Safety LT Bi-weekly - Scorecard Update (Nov. 18, 2024).

¹⁷³ UBER_JCCP_MDL_001731737 at slides 15-22. Master Deck-H1 Safety LT Summit (Jan. 12, 2023).

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make informed choices—even when the findings are uncomfortable. For example, CDC’s Vital Signs¹⁷⁴ reports and WHO’s outbreak situation reports¹⁷⁵ are structured to highlight key risks, uncertainties, and recommended actions, not to protect institutional reputation. In this way, public health entities model a best practice: they treat communication as a responsibility to the public, not a branding exercise. That stands in sharp contrast to Uber’s framing of its Safety Reports, which appear calibrated to reassure rather than to genuinely inform.

E. The Brand Protection Pattern Continues (2020-2024)

164. The last period I will discuss, 2020 to 2024,¹⁷⁶ Uber continued to push messages of safety while failing to share information that would have allowed riders, including the plaintiffs, to make assessments that could have kept them safe. It is also a period where the COVID-19 pandemic shaped most companies’ practices and marketing, including Uber’s. Nevertheless, a familiar pattern recurs. While Uber has been attempting to shift company culture and public perception, it continues to focus marketing efforts to shore up its reputation as a safe company. This has been the pattern throughout its history: that there is a general perception that Uber might not be a safe company; there is internal and public evidence that is not a safe company; and then there is a push by Uber to reassert its reputation as a safe company by advertising that it is a safe company. Even as Uber attempts to change its culture and safety practices, its marketing strategies that focus on reputation rather than reality continue to spread and capture the attention of Uber riders and potential riders.

165. As the documents Uber produced reveal, Uber grossly misrepresented instances of sexual misconduct and sexual assault users reported to the company from 2017-2024.¹⁷⁷ It also knew of variables that would increase the risk level for exposure to sexual misconduct and sexual assault on its platform, and it did not put this information to use to help riders stay informed of their risk levels, nor did it apply

¹⁷⁴ Center for Disease Control. Vital Signs (Oct. 17, 2024). Accessed Sept. 11, 2025. <https://www.cdc.gov/vitalsigns/>.

¹⁷⁵ World Health Organization. Disease Outbreak News. Accessed Sept. 11, 2025. <https://www.who.int/emergencies/disease-outbreak-news>.

¹⁷⁶ Through the end of document production in 2024.

¹⁷⁷ 2017-2024 Stats; Dep. Kate Parker, 30(b)(6) Uber Technologies, Inc., Feb. 14, 2025. Vol. II. Ex. 650 at 10. Uber Sexual Violence Reports summary table (citing Uber Highly Confidential, Attorneys’ Eyes Only Safety Data Productions and Uber Safety Report 2017-18); Steel 2025. *See also*, the recent investigative report on underreporting by the *New York Times*. Emily Steel. “Uber’s Festering Sexual Assault Problem.” *New York Times* (August 7, 2025). Accessed September 9, 2025. <https://www.nytimes.com/2025/08/06/business/uber-sexual-assault.html>.

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widely the tools that it had at its disposal to effectively reduce sexual misconduct and sexual assault.

166. During the same period, from 2017-2022, the company continued to run widespread safety campaigns that were intended to deepen public trust that it was changing its conduct to make real safety, as opposed to a reputation for safety, a top priority. These campaigns continued to use targeting to spread branding messages around safety as well. The Global Marketing Update from November 2019 described an “Active Rider Safety Campaign” that would be “targeting Active Riders across digital/social/paid properties.”¹⁷⁸ A presentation about the “Stand for Safety” campaign in March 2020 listed the campaign objective as a goal to “[h]elp land the Transparency Report with Key Opinion Formers as a company that is committed to safety.”¹⁷⁹ The campaign explicitly calls out a target of 11.4 million “Female Culture Shapers.”

167. In its 2020 planning document, Uber budgeted [REDACTED] in the US for “Brand, Trust & Reputation.” Uber was willing to spend large sums to rebuild trust.¹⁸⁰

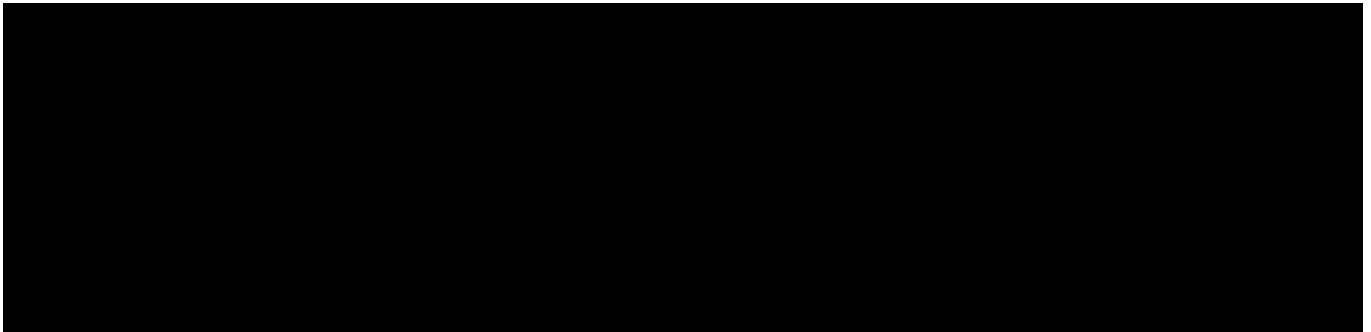


Figure 52. Uber budgeted [REDACTED] in the US for Brand, Trust & Reputation.

168. In a December 2020 document that is focused on developing safety and marketing communications for 2021, Uber has amalgamated different parts of the company to consolidate messaging.¹⁸¹ Once again, the marketing department and the policy team are combined in one voice, so that independence of safety policy and public facing messaging are not maintained:

¹⁷⁸ UBER_JCCP_MDL_000178095 at slide 6. Global Marketing Update (Nov. 2019).

¹⁷⁹ UBER_JCCP_MDL_000194589 at slide 17. Stand for Safety Marketing Update (Mar. 2020).

¹⁸⁰ UBER_JCCP_MDL_000192643 at tab Regional Summary _Quarter. 2020 Rides Marketing Planning Template.

¹⁸¹ UBER_JCCP_MDL_005401163 at slide 2.

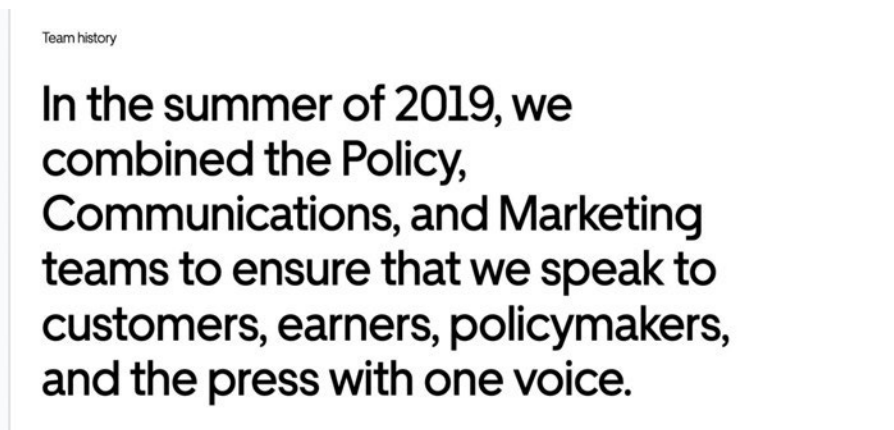
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Figure 53. Uber combines Policy, Communications, and Marketing teams in 2019.

169. Incorporating safety as a central aspect of the brand reflects a deliberate choice made by Uber and does not represent “business as usual” in the tech world. A key measure of power within companies is the hierarchy of the organizational chart. A safety team tucked inside marketing ultimately serves marketing functions, versus a safety team that operated independently or as part of an operations team.

170. Later in the presentation, Uber notes that it will “[u]se our COVID crisis response to show our commitment to safety...”.¹⁸² In keeping with company practices, Uber typically leverages other organizations and events to generate extensive safety messaging. The bottom right text box illustrates Uber’s approach: “Refocus on our strong women’s and road safety narrative.” A different company, with a different track record, and a different approach, could have omitted the word “narrative”:

¹⁸² UBER_JCCP_MDL_005401163 at slide 11.

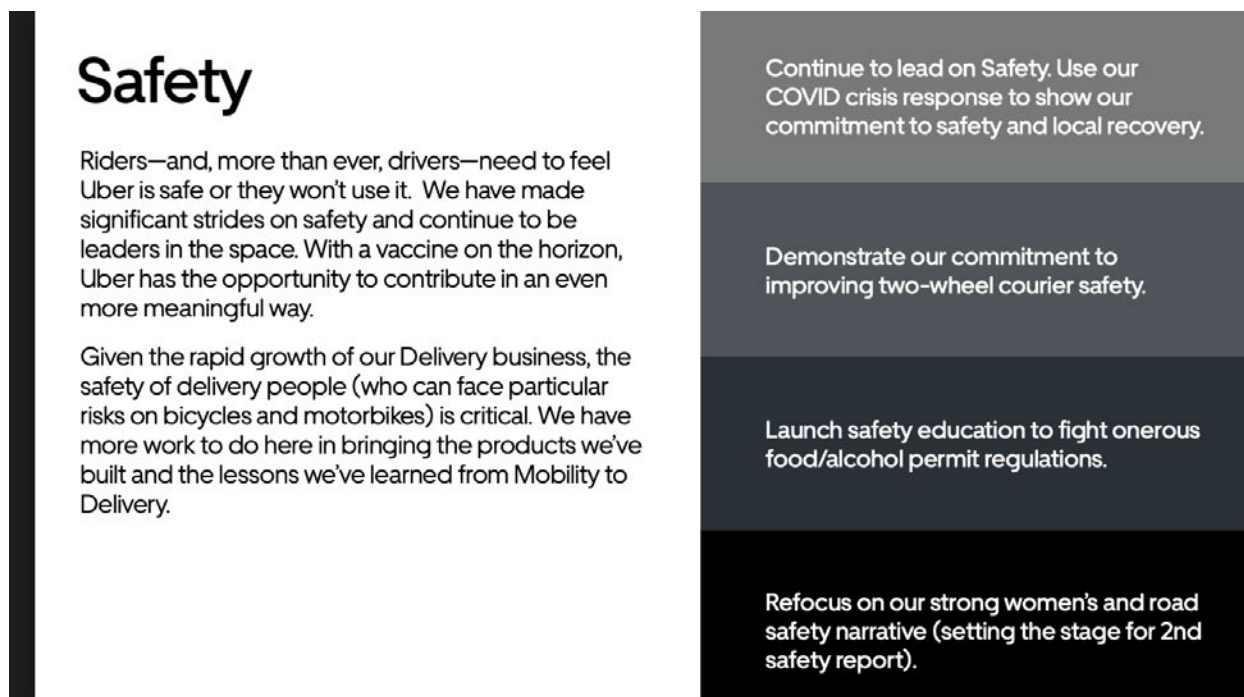
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Figure 54. Uber's safety narrative.

171. The same slide deck notes that “US Rider sentiment has positive momentum, particularly around Safety.” The company, therefore, continues to monitor sentiment about safety as a measure of its success:¹⁸³

¹⁸³ UBER_JCCP_MDL_005401163 at slide 22.

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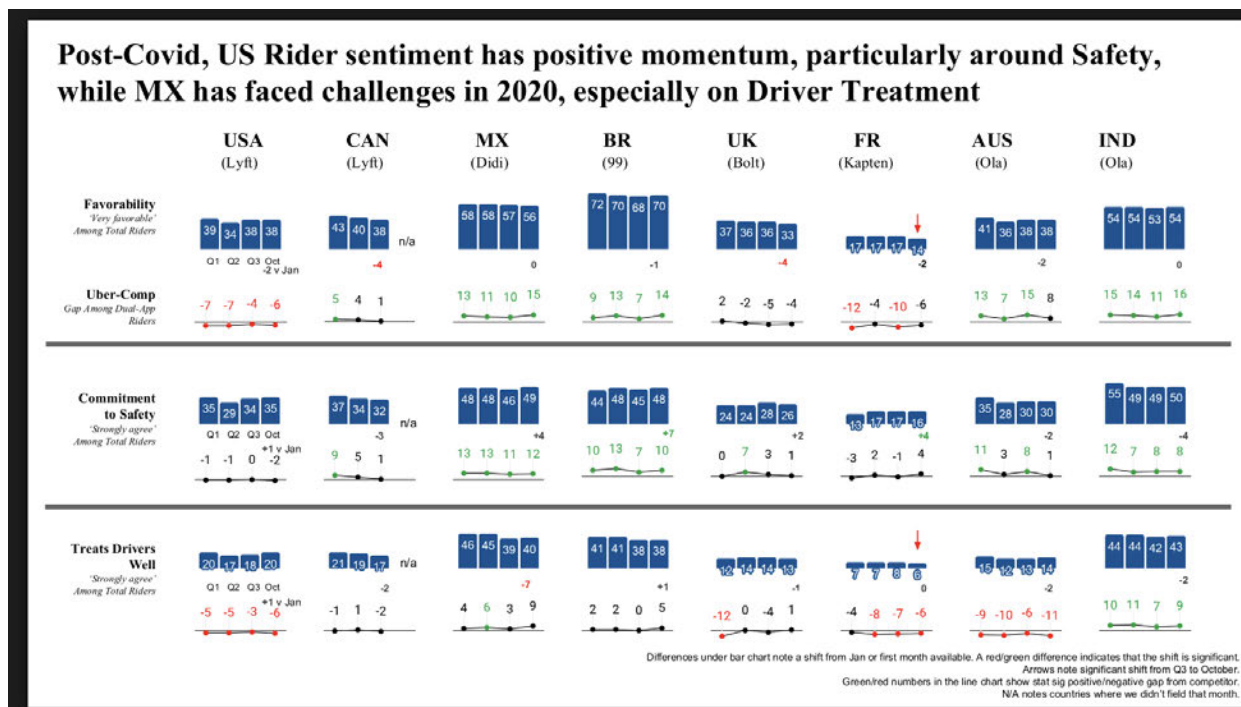


Figure 55. Uber continues to focus on safety sentiment in 2020.

172. In 2022 documents, Uber introduced the “year of reimagination.” While the focus in this plan is marketing Uber for everyday life, safety is still a key part of the messaging, as it crafts the statement, “Reimagine the way the world moves safely, sustainably, and for the better”:¹⁸⁴

¹⁸⁴ UBER_JCCP_MDL_004852359 at slide 11. Mobility Marketing Onboarding (June 2022).

HIGHLY CONFIDENTIAL**2022 The year of reimagination**

Figure 56. Safety is still a key part of the messaging.

173. The “safety narrative” remains part of this plan:¹⁸⁵

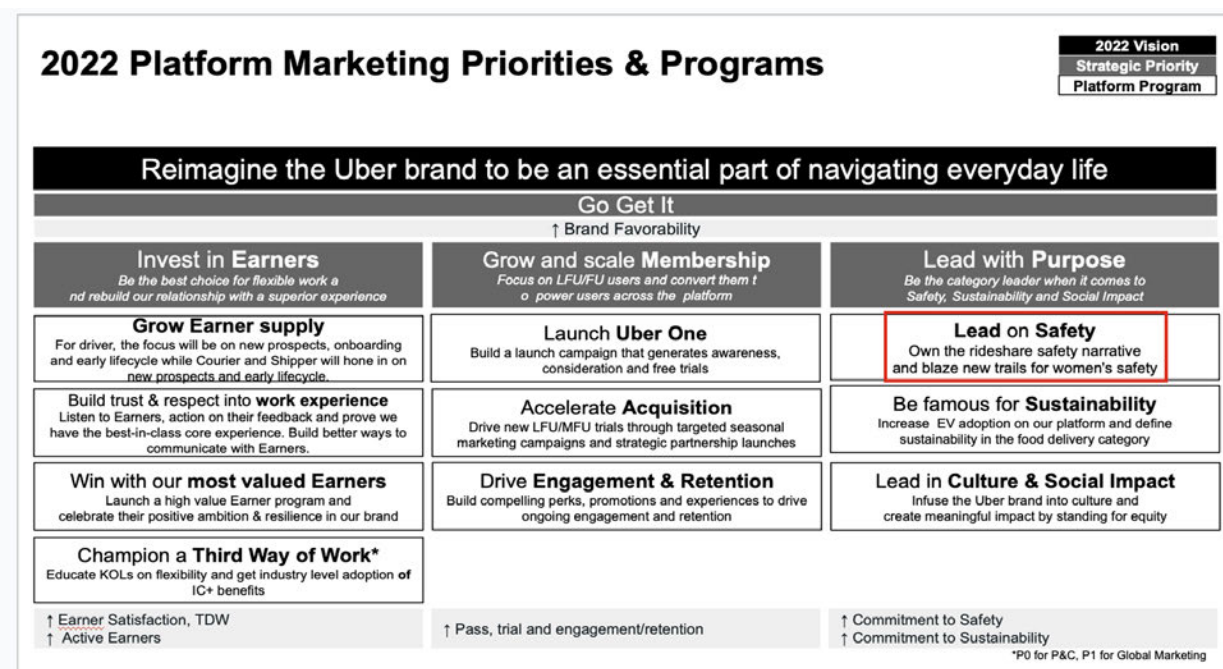


Figure 57. Uber marketing priorities and programs from 2022.

¹⁸⁵ UBER_JCCP_MDL_004852359 at slide 12

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174. The 2022 year in review echoes the safety priorities when it states, “with Stand for Safety shifting from an annual company priority to a cultural value in 2021—safety has now been firmly established as a part of Uber’s DNA. Our small—but mighty—Safety PMM team continued to #standforsafety,”¹⁸⁶



Figure 58. Excerpt from Safety Product Marketing - 2022 Year in Review slide show.

175. In 2023, Uber’s mobile marketing budget dedicated substantial funding to trust and reputation, a total of [REDACTED], and which is [REDACTED] in that area for 2022:¹⁸⁷

¹⁸⁶ UBER_JCCP_MDL_000212868 at 2869. Safety Product Marketing - 2022 Year in Review (Feb. 1, 2023).

¹⁸⁷ UBER_JCCP_MDL_005631387 at slide 43. 2023 US&C Mobility Marketing Priorities (Nov. 2022).

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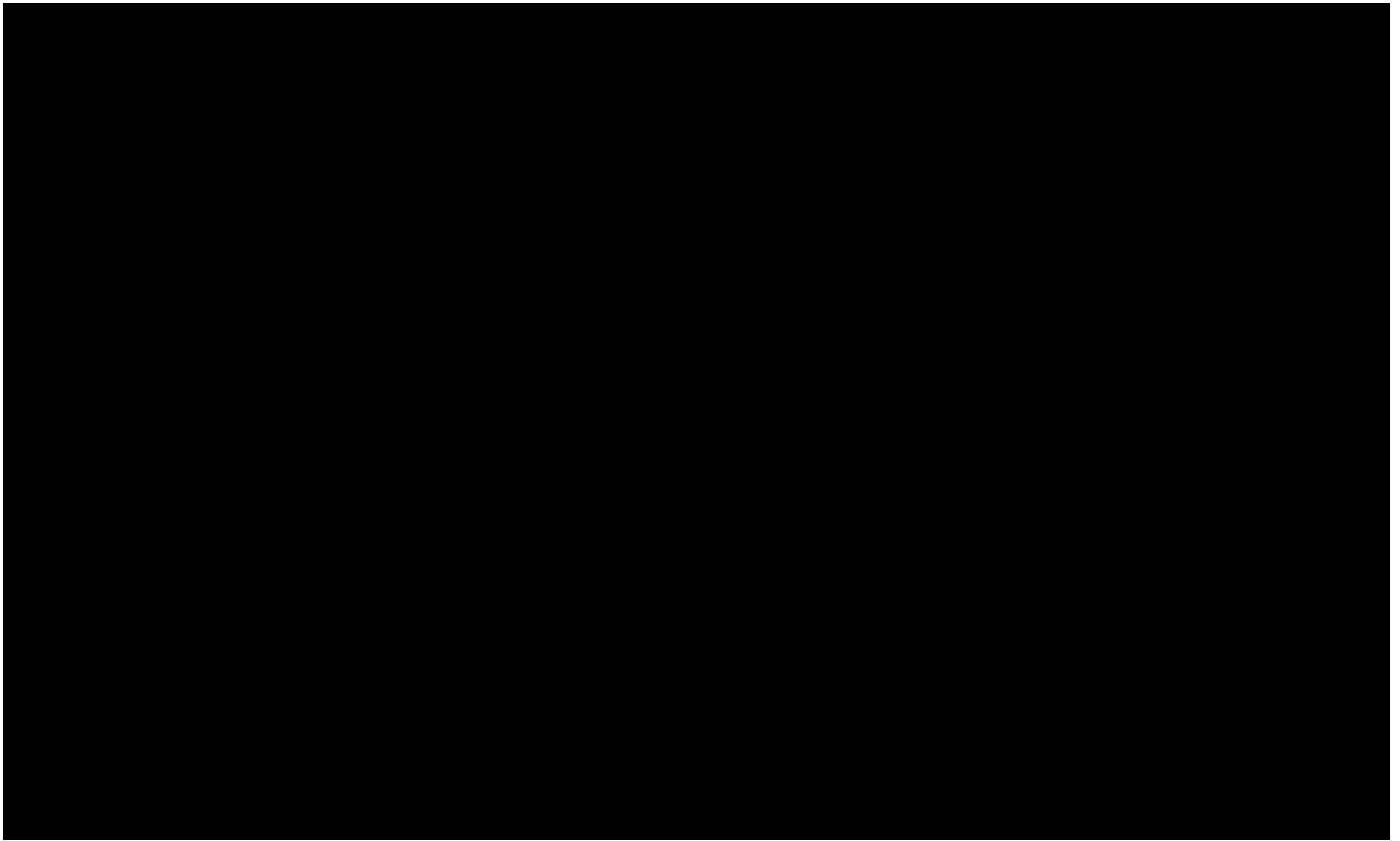


Figure 59. Uber's 2023 US Mobility Marketing Budget has [REDACTED] dedicated to Trust and Reputation.

176. Trust and Reputation are listed as one of four “marketing priorities” for 2023, as seen below:¹⁸⁸

¹⁸⁸ UBER_JCCP_MDL_005631387 at slide 12.

HIGHLY CONFIDENTIAL**2023 US&C Marketing Marketing Priorities**

LOB Ambition	Make Uber the first choice Mobility platform for everyday use							
Business Priorities	Best Platform for Earners	Growth: Multi-Product Use (Upsell, X-sell)	Deliver on High Value Experiences (Airports)	Future of Work: Lead the Industry on Sustainable Earning Practices (IC+)				
Marketing Priorities	Earners Growth & Engagement Supercharge earner growth and improve engagement & retention of new/existing earners	Multi-Product Use Drive demand for key growth bets and increase multi-product usage	Travel Own demand for every stage of the travel journey and drive adoption of key travel products	Trust & Reputation Improve trust & reputation by changing how key audiences see gig work on Uber platform				
Key Initiatives	1. Earn like a Boss Increase consideration & signups among high-priority prospective audiences by positioning Uber as the best choice for flexible work 2. Earner Engagement Foster community to increase engagement & retention among our growing earner base 3. Earner EV Adoption Drive awareness of EV offerings with non-EV Earners to create conversion via rentals or purchases.	1. Get Your Ride Right Encourage riders to 'Get Your Ride Right' by increasing awareness and adoption of important non-UberX products, with Reserve being hero product. 2. Always On Leverage owned, earned, and partner channels to build always-on drumbeat across rider touchpoints to promote the right product to the right audience at the right time.	1. Win Every Airport Trip Improve in-airport experience by expanding waytiding into T20 airports, enhancing in-app features (e.g. in-app navigation), and highlighting relevant travel products via owned and paid channels as well as driving consideration during the travel planning journey 2. Drive In-Destination Trips Leverage existing partners (Marriott, Aeroplan) to drive Uber integration into their existing CRM and customer journey and drive consideration of relevant Uber travel products	1. KOL Trust & Reputation Targeted, always on campaign storytelling and political engagement in at risk jurisdictions (NYC, DC, CA, IL, MA, NJ) to protect the business model 2. Quebec Reputation IMC Unlock untapped GB growth in the under-penetrated Quebec market by rebuilding our brand reputation				
KPIs	<u>US</u> ↑ Consideration +5pts ↑ Signups +4-6% ↑ Distal +1pts ↑ EV adoption	<u>CAN</u> ↑ Consideration +4pts ↑ Sign Ups ↑ EV Adoption	<u>US</u> ↑ Awareness (+10pts Reserve / +10pts Block, Comfort, Families, XL) ↑ MAU using 2+ products: 26% (+9pp vs 17% Y12 exit) + 1% Non-1 trips: 19% (+8pp vs 13% Y12 exit)	<u>CAN</u> ↑ Awareness (+12pts Reserve / +1pts Share, Teens, Comfort, XL) ↑ MAU using 2+ products: 17% (+9pp vs 11% Y12 exit)	<u>US</u> ↑ +log airport journey time: 1.1 → 2.0 ↑ Consideration +12pts	<u>CAN</u> ↑ +log Airport Journey: +1.5 → 1.7 ↑ Consideration +12pts	<u>US</u> ↑ Favorability	<u>CAN</u> ↑ Consideration +6pts
Audience	<u>US</u> Growth: Blacks & Latinos, Parents, Women Engagement: Active, high-value drivers EV Adoption: Non-EV Drivers	<u>CAN</u> Growth: Prospective earners, including women and parents in Vancouver and Montreal EV Adoption: Non-EV Drivers	<u>US & CAN</u> Primary: Active riders Secondary: Churned, Prospective riders	<u>US & CAN</u> Active leisure and business travelers/riders	<u>US</u> KOLs in high risk geo (NYC, NJ, MA, IL, DC) Black, Hispanic, Asian KOLs and community leaders	<u>CAN</u> French-speaking prospective riders in Quebec		
Product Proof Points	Driving with Uber provides flexibility, high earnings, safety, and incredible perks (Pro,ASU, Community Events, EV Funds) # of EVs on the platform	Reserve, Black Comfort, Comfort Electric, XL, Family/Teens, UberX Share	Reserve (incl. RAPs), Comfort, Rent, XL, Black, In-airport waytiding	Uber democratized the gig economy across the globe and is laser focused on building the best platform to earn in flexible ways Uber champions a third way of work, advocating for labor law reforms so that earners can have flexibility and benefits in high risk states				

Figure 60. US&C 2023 Marketing priorities.

177. Once again, safety is a core part of the 2024 marketing vision:¹⁸⁹

¹⁸⁹ UBER_JCCP_MDL_003311636 at slide 3. Policy, Communications, Marketing 2024.

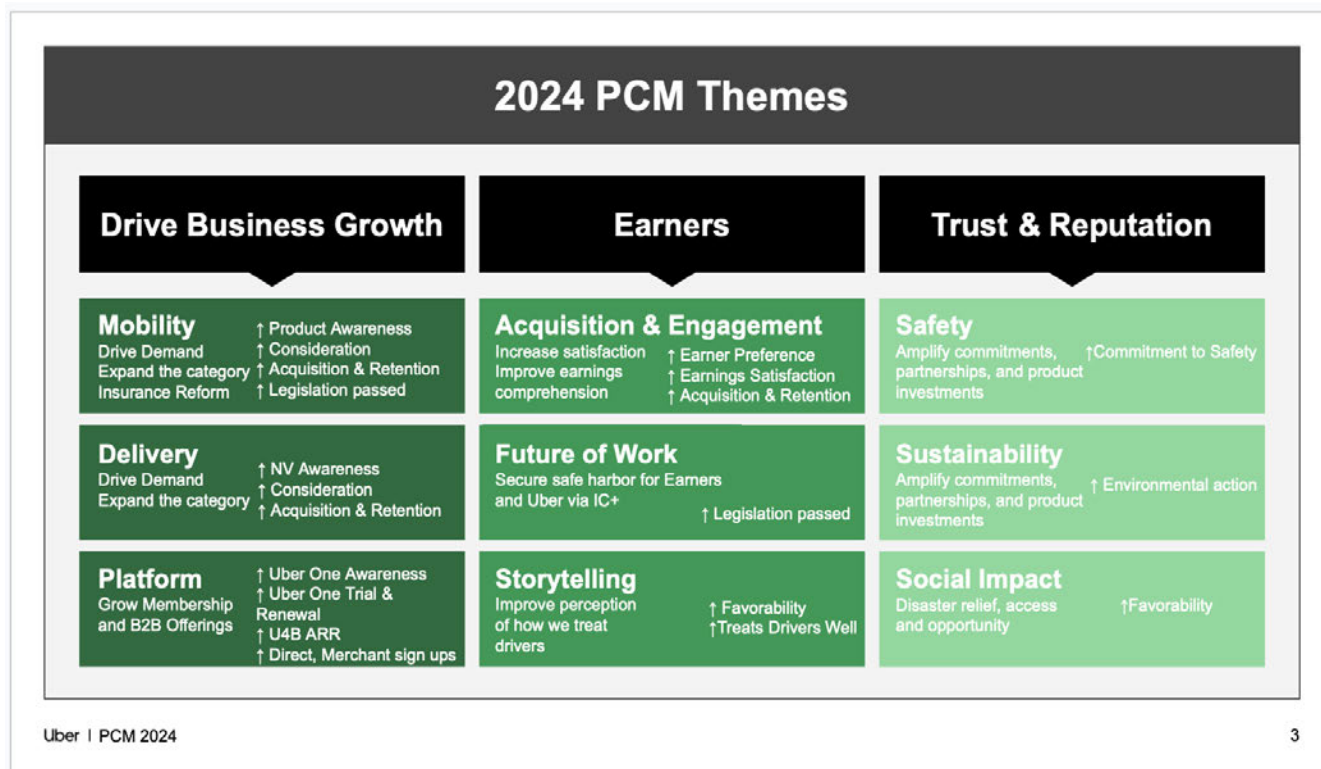
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Figure 61. Safety is a core part of the 2024 marketing vision.

178. To combat negative brand perceptions, Uber planned to invest substantial funds, [REDACTED] per the slide, to talk to “key opinion formers on our key issues: safety, sustainability, and the future of work”:¹⁹⁰

¹⁹⁰ UBER_JCCP_MDL_003311636 at slide 19.

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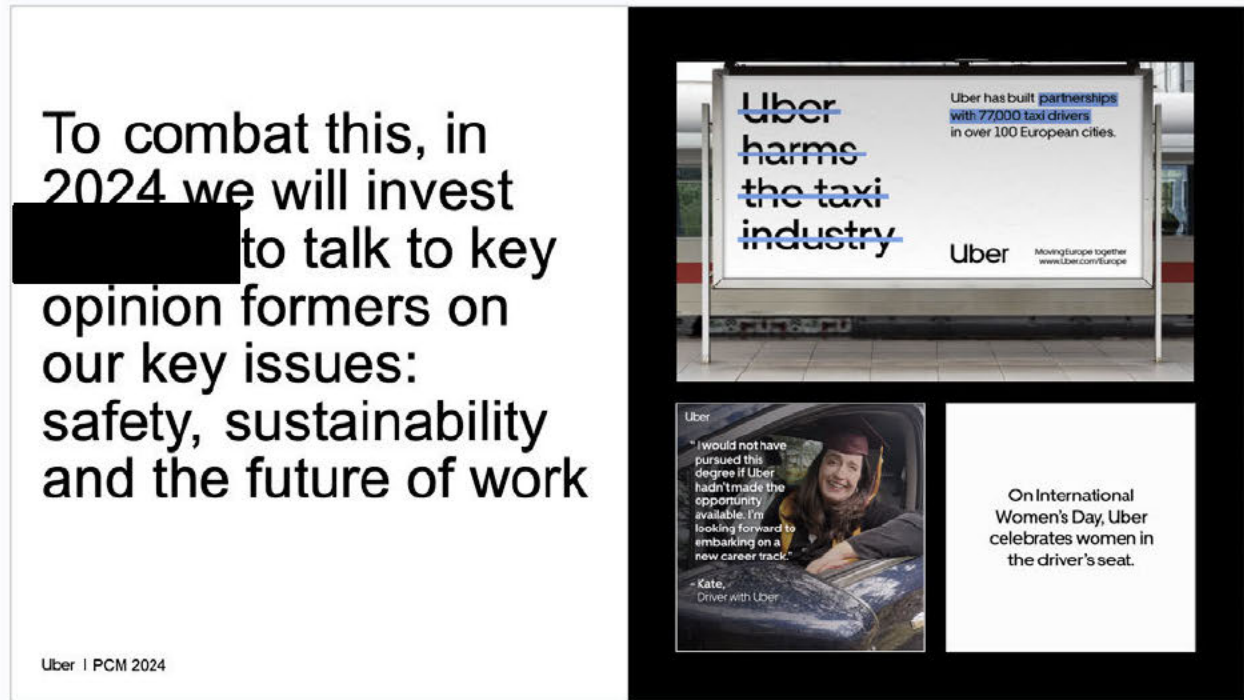


Figure 62. Uber plans to invest substantial funds to talk to “key opinion formers on our key issues: safety, sustainability, and the future of work”

179. I observe here that Uber continues to invest in the safety narrative that it began with. A few patterns persist over the company’s lifespan through 2024:

180. First, Uber aggressively branded itself as a safe company for the sake of growth, both rapid initial growth, and perpetual growth over time.

181. Second, many of Uber’s messages were crafted without any corresponding material change in the reality of its safety practices. Sometimes, its messages were in contradiction with its practices.

182. Third, the messages that it sent on safety were often not the kinds of messages that would significantly help anyone make an informed judgment about the relative risk to their personal safety when hiring an Uber.

183. Fourth, by its own internal accounts, Uber possessed data and information that allowed it to develop applications and practices that could reduce sexual misconduct.¹⁹¹ It did not fully implement these and did not act on its stated priorities.

184. Fifth, despite leadership changes at the company, the momentum of the disconnect between the reality of safety and the safety branding, there was not a

¹⁹¹ UBER_JCCP_MDL_001720345 at 0400-0404. Project - T Business Decisions (2019).

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significant reconnect between safety and safety messaging. Safety persisted at Uber as a marketing and reputational matter.

185. Sixth, safety messaging was often reactive and crafted in response to widespread media reports of unsafe practices.

186. In its safety messaging, Uber did not conduct itself as a responsible company and in its brand strategies and marketing execution repeatedly violated ethical conventions of the industry.

VIII. Statistical Analyses of Uber's Safety Reports

187. In this section, I make use of data produced by Uber to perform an analysis that illustrates the shortcomings of Uber's Safety Reports. As I discuss above, crime, generally, and sexual assault, in particular, is under-reported. Using data on under-reporting rates from the Bureau of Justice Statistics, I build estimates of the true rates of sexual assault on Uber's platforms.

188. In addition to knowing the number of incidents, riders, including the plaintiffs, may have benefitted from a fulsome discussion of risk factors related to sexual assault. Uber has not provided data, which it has, allowing exact calculations of these risk factors. In subsection B, I illustrate how it is possible to approximate these estimates.

A. Estimating the True Rate of Incidents

189. Uber's published Safety Reports provide partial¹⁹² counts of sexual assault and misconduct incidents. In addition to reporting only a fraction of the incidents, those raw counts do not account for under-reporting, an issue of which Uber was aware. In the 2019–20 Safety Report, for instance, Uber writes, “[w]hile Uber makes every effort to mitigate under-reporting by increasing reporting mechanisms and reducing barriers to reporting (*see*, Safety incident data collections and support process’)), it is important to consider that the data in this report is based only on what is reported to Uber or that Uber became aware of through previously discussed channels.”¹⁹³ Note that Uber claims the laudable mitigation of making reporting easier. Uber does not, however, make any effort to estimate the true incident rate on its platform. In this section, I do.

190. The true incident rate is, broadly speaking, a function of the under-reporting rate and the scale of Uber's operations over time. To develop a more accurate picture of the true rate of incidents, I estimated a hierarchical regression model that

¹⁹² As I mention above, Uber disclosed approximately 3.2% of all reported incidents.

¹⁹³ Uber Safety Report (2019-2020) at 47.

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adjusts for exposure (rides), category differences, and long-term trends. This methodology has been used in peer reviewed literature, most recently by Bradshaw and Blei, who estimated the true rate of sexual assault on college campuses.¹⁹⁴

191. Count data is modeled by the Poisson distribution, which estimates the number of incidents in a given period of time, subject to exposures. This model has a single parameter, λ , which estimates both the rate and the variability in that rate. A related distribution, the negative binomial, allows for increased variability, “overdispersion” in the statistical argot, and this is the distribution upon which I base my model. My negative-binomial regression model includes the following terms:

- An offset for rides, so that estimates are modeled as incidents per ride rather than raw counts.
- Random intercepts for incident types, which allow each of the 21 categories in the Safety Report to have its own baseline risk, while pooling information across categories. My model estimates true incident rate for the categories of incidents listed in Uber’s Safety Reports.
- A smooth trend in time, which captures gradual changes in incident rates across the period studied.

192. This structure produces annual estimates of incidents per million rides, with credible intervals that reflect statistical uncertainty. Full details of the model appear in Appendix D.

193. The modeled results are striking. Recall from Section VI.D that Uber received reports of 546,196 from 2017–24 safety incidents. From 2017–22, Uber received reports of 392,828 incidents, publicly reporting only 12,522 in the Safety Reports.. My model estimates that the true number of incidents from 2017–24 is 1.99 million, with a 95% confidence interval of 1.61 to 2.54 million.

194. Digging deeper into the modeled results, Figures 64 and 65 capture the potential magnitude of the under-reporting for the years of Uber’s Safety Reports (2017–22). The first figure shows the overall totals, across these six years, for sexual assault categories.¹⁹⁵ The blue points show the modeled value, with the associated uncertainty.¹⁹⁶ The red points indicate the estimates reported in Uber’s Safety Reports,

¹⁹⁴ Bradshaw, C., & Blei, D. M. (2024). A Bayesian Model of Underreporting for Sexual Assault on College Campuses. *The Annals of Applied Statistics*, vol. 18, no. 4, pgs. 3146-3164.

¹⁹⁵ Due to its much higher incidence rate, the figure does not show “Sexual Assault: Non-consensual Touching of Nonsexual Body Part”. The category “Sexual Assault: Insufficient Information” is not shown.

¹⁹⁶ See Appendix D for the details on the derivation of the values shown in the blue dots and the associated uncertainty. The charts depict both 50% and 95% credible intervals, with the 50% interval shown in a wider and darker line.

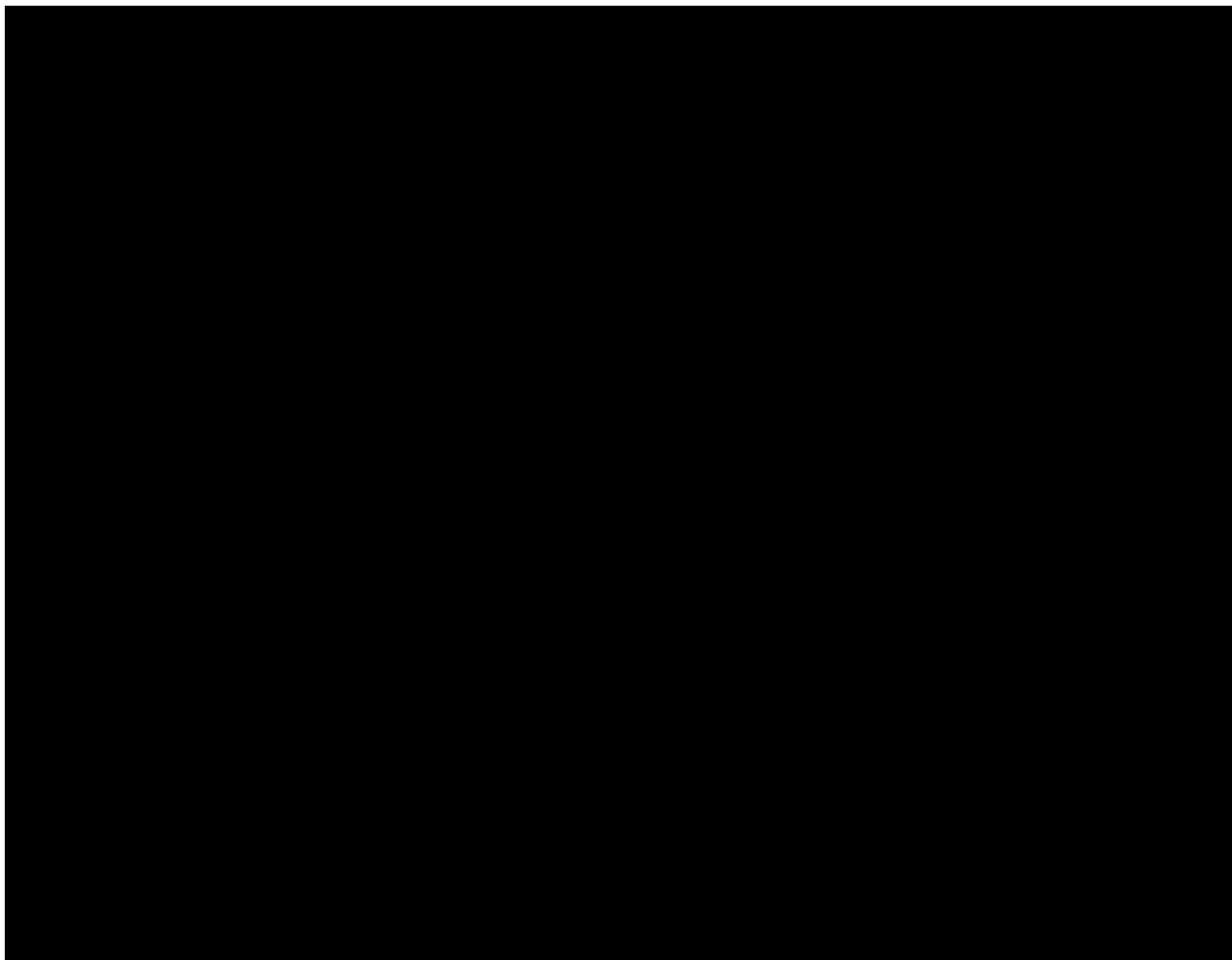
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for the handful of incident types reported. The dark gray dots indicate the total sexual assault incident types reported to Uber but not disclosed in the Safety Reports.



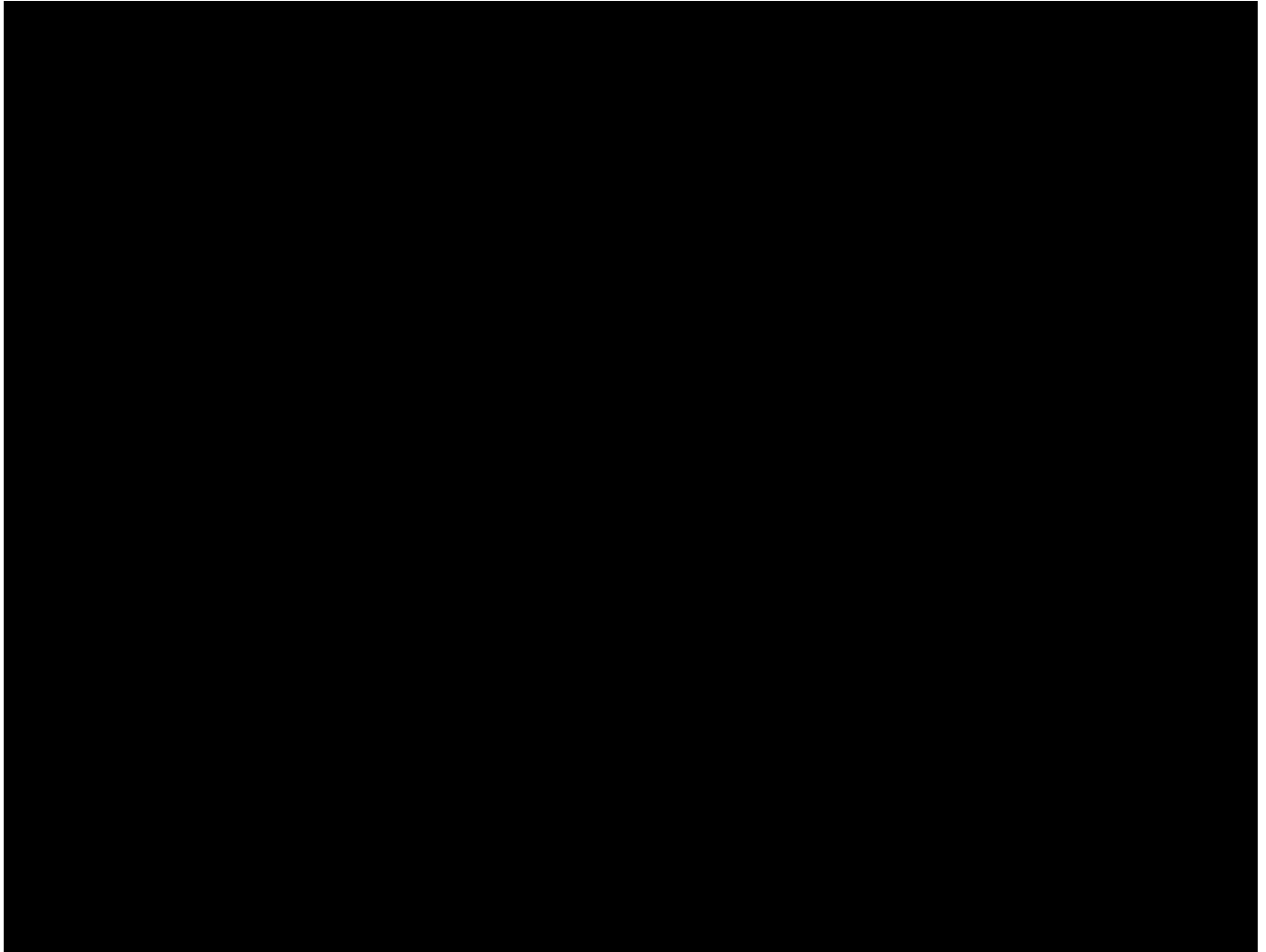
195. The following figure illustrates the estimated incident types for the remaining sexual assault category and the sexual misconduct categories. Note that there are no red dots on these charts because these are not categories that Uber disclosed in the Safety Reports.

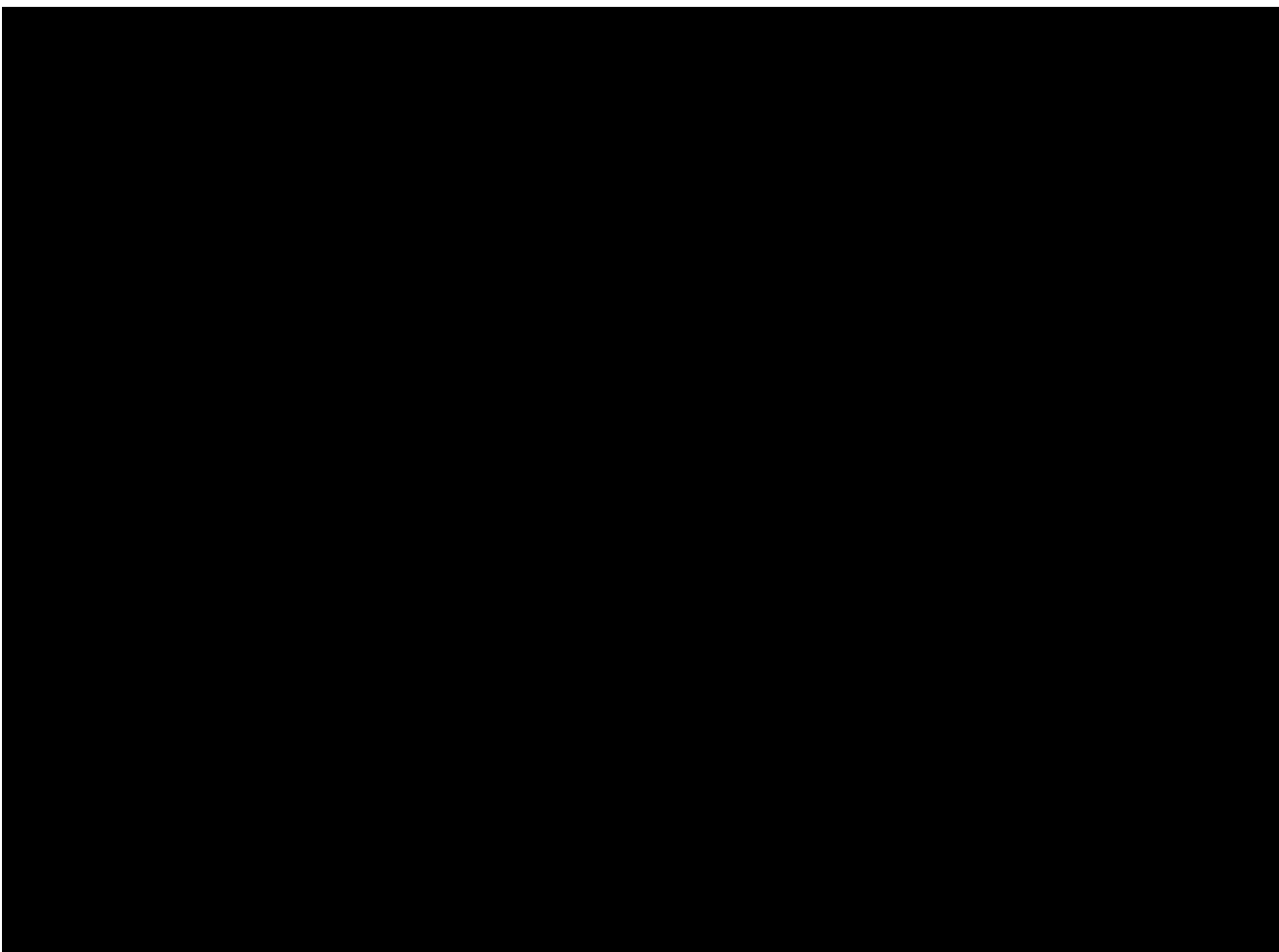
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196. Similar figures exist for 2023 and 2024. These figures do not include the red dots in Figure 64, since no Safety Report exists for these years.

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197. Based on my analysis, the scale of under-reporting varies by incident type. For the most under-reported categories—such as misconduct involving explicit gestures, displaying indecent materials, or soliciting sex—only about one quarter of incidents (25-27%) of incidents are reported. At the other end of the spectrum, incidents of indecent exposure or masturbation are reported about one in three times (33%).¹⁹⁷ Uber was aware of these levels of under-reporting, mentioning the fact in their safety reports. But Uber did not attempt to adjust their numbers to provide the reader of their safety reports with a clearer picture of the potential risks.

198. The variability in reporting is seen more clearly by plotting the fraction of incidents that went *unreported*, by incident type.

¹⁹⁷ Credible intervals for these numbers are shown in Figure 67.

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199. Several patterns are clear from Figure 68. Incidents are unreported between 67% and 75% of the time.¹⁹⁸ For sexual assaults, it is the most serious categories such as non-consensual penetration and attempted penetration, that are unreported at the highest rates.

200. [REDACTED]

B. Situational Relative Risk

201. In addition to reporting more accurate estimates of the prevalence, Uber had the opportunity to provide riders with information they could use to lower their

¹⁹⁸ The credible intervals on these estimates vary from a low of 60% for the category “Sexual Assault: Parent Category Usage Tracking” to a high of 79% for “Sexual Misconduct -Comments or Gestures – Explicit Gestures.”

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risk of sexual assault or sexual misconduct. Disclosing relative risk is a common tactic in public health, letting consumers know the implications of activities such as smoking¹⁹⁹ or driving without a seatbelt.²⁰⁰ Relative risk is a critical measure in decision-making, telling an audience how much risk can be mitigated by changing behavior or making different choices.

202. Uber was well aware that the risk of assault varied based on factors such as time of day or day of the week. In a slide presentation discussing disclosures around safety, Uber employees discussed sharing date and time information.²⁰¹ Uber acknowledged that this information “[w]ould serve as a ‘compromise’ for consumers looking to learn more on how to manage their safety.” This knowledge, however, involved trade-offs for Uber. The slide goes on to state that this disclosure had “[s]erious business implications” and disclosure “prompts users to ask what Uber is doing to mitigate safety concerns during peak hours.” Ultimately, the slide concludes succinctly: “Recommendation: No.”

203. Despite an uninterest in sharing this data with consumers, Uber was well aware of the utility of understanding risk factors associated with sexual assault. As I discussed above, in Section VII.D, Uber developed a machine learning product, S-RAD, to estimate the probability of a sexual assault or sexual misconduct arising from a pairing of a given driver and rider.²⁰² The tool used historical information about the rider and driver and included “trip attributes such as pickup location, time of day, and day of week; and whether the rider and driver genders are the same or different.”

204. Uber has not provided data necessary to recreate the insights from the S-RAD model, which would allow me to illustrate the counterfactual of what Uber could have disclosed.²⁰³ If such data becomes available, I intend to supplement my

¹⁹⁹ Pesch, B., Kendzia, et al. (2012) “Cigarette Smoking and Lung Cancer--Relative Risk Estimates for the Major Histological Types from a Pooled Analysis of Case-Control Studies. *International Journal of Cancer*, vol. 131 no.5, pgs. 1210–1219. <https://doi.org/10.1002/ijc.27339>

²⁰⁰ National Highway Traffic Safety Administration. “Seat Belts.” Accessed on Sept. 10, 2025. <https://www.nhtsa.gov/vehicle-safety/seat-belts> (“If you buckle up in the front seat of a passenger car, you can reduce your risk of: Fatal injury by 45% (citing Kahane, C. J. (2015). “Lives Saved by Vehicle Safety Technologies and Associated Federal Motor Vehicle Safety Standards, 1960 to 2012.” Report No. DOT HS, 812, 069.).

²⁰¹ UBER_JCCP_MDL_001720345 at 0353.

²⁰² Sonny Wong Dep., 4/16/25, Ex. 2829 (UBER_JCCP_MDL_001738115 at 8115. S-RAD Comms Recommendation (May 2019).).

²⁰³ Sonny Wong’s 9/24/25 Declaration filed with the court indicates, for example, that Uber has not produced S-RAD scores for 300,000 of the 400,000+ incidences in the Safety Data.

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report with estimates of the relative risk of rides using the available covariates or with analogous examples.

205. Additionally, I understand that Uber has produced raw data from its Bliss and Jira systems relating to sexual assault and misconduct incident counts, but that additional information relating to these incidents may also be stored in Uber's Flack system. I further understand that the Flack data may help bridge any gaps in the Bliss and JIRA data which otherwise would need to be addressed by making a judgement calls. I reserve the right to supplement my report to use the existing Bliss and JIRA data, should the Flack data not be made accessible to me, or to supplement my report using the Flack data once it is available. In so doing, I will be using the most complete data available to me, which is a reliable methodology.

IX. Analysis of Uber Produced Communication Logs

206. This section presents an empirical analysis of Uber's communications with the Plaintiffs, exploring the company's messaging strategies.²⁰⁴ The analysis demonstrates how Uber's safety communications functioned as a comprehensive rhetorical strategy rather than transparent information sharing. The communications logs reveal an extraordinary volume of messages sent to plaintiffs across multiple channels. This sustained, multi-year messaging campaign demonstrates the central role of communications in Uber's business strategy.

207. Uber communicated with riders and drivers across eleven different marketing channels. The channels with the highest volume of messages were push notifications,²⁰⁵ in-app notifications, driver notifications via the Carbon app, intercom text messages,²⁰⁶ and email messages. Both push notifications and voice messages, which together represent nearly 250 thousand messages, do not include any information on the content of the communication.²⁰⁷ I can appreciate the scope and

²⁰⁴ Uber manages and tracks electronic driver and rider communications through a Customer Relationship Management (CRM) tool. The Plaintiff's specific communication logs have been produced as: UBER-MDL3084-BW-00000012; UBER-MDL3084-BW-00000014; UBER-MDL3084-BW-00000017; UBER-MDL3084-BW-00000023; and UBER-MDL3084-BW-00000033.

²⁰⁵ There are 243,670 rows of push notifications in the documents produced by Uber, but no information on the content of these messages is included in the production.

²⁰⁶ Based on the production, the class of message appears to be text messages between the driver and rider.

²⁰⁷ These messages are, typically, a function of platform usage, and often represent communication between drivers and riders.

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intensity of the communications between Uber and the plaintiffs by looking at summary statistics for each bellwether plaintiff.

Table 1. Summary table of Wave 1 plaintiffs with their total count of CRM messages, number of channels and date range of messages.

Plaintiff	Total Msgs	Channels	First Msg	Last Msg
[REDACTED]	67,167	8 ²⁰⁸	2019-02-25	2025-03-31 ²⁰⁹
[REDACTED]	56,456	6 ²¹⁰	2018-01-29	2025-03-31
[REDACTED]	3,070	5 ²¹¹	2016-10-10	2025-03-31
Jaylynn Dean	2,670	5 ²¹²	2023-04-10	2025-03-31
[REDACTED]	1,408	4 ²¹³	2019-03-11	2025-03-31

208. The in-app communications have been produced in a format that captures Uber's internal categorization of the message. For email, the other marketing channel that is both extensive and well-documented, I have classified the messages.²¹⁴

²⁰⁸ [REDACTED] was contacted via in-app communication, push notifications, email, intercom-text, the "carbon" driver communication system, the "inbox" system, SMS text messaging, and live push notifications.

²⁰⁹ The produced data ends on March 31, 2025.

²¹⁰ [REDACTED] was contacted via in-app communication, push notifications, email, intercom-text, SMS text messaging, and live push notifications.

²¹¹ [REDACTED] was contacted via in-app communication, push notifications, email, intercom-text, and SMS text messaging.

²¹² Ms. Dean was contacted via in-app communication, push notifications, email, intercom-text, and SMS text messaging.

²¹³ [REDACTED] was contacted via in-app communication, push notifications, email, and SMS text messaging.

²¹⁴ **Email and In-App Safety Classification Methodology:** The classification of email communications as safety-related was conducted through systematic keyword analysis of both email subject lines and message content. A comprehensive search was performed across 75,577 email messages sent from Uber to users, examining the following categories of safety-related terms: (1) Personal Safety Terms: "safe," "safety," "protect," "protection," "emergency," and "security"; (2) Trust and Verification Terms: "background," "verified," "verification," "screen," "screening," "check," "checked," and "identity"; (3) Safety Features and Tools: "location," "share," "track," "tracking," "GPS," "SOS," and "panic"; (4) Community Standards and Policies: "community," "policy," "policies," "standard," "standards," "guideline," and "guidelines"; (5) Incident Response Terms: "report," "review," "concern," "incident," "behavior," "inappropriate," and "investigate"; and (6) Trust-Building Language: "trust," "secure," "reliable," and "confidence." Each email was categorized into primary safety themes including personal safety, verification processes, safety features, community standards, incident response, and trust-building messaging. All keyword searches were case-

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My analysis of safety-related communications in these channels reveals how Uber used safety messaging as a dominant rhetorical strategy across these channels. The following table tallies the safety messages for these two channels across all produced communications for all five Plaintiffs.

Table 2. Email and in-app safety messages compared to the total amount of messages sent in these channels to Plaintiffs.

Medium	Safety Messages ²¹⁵	Total Messages	% Safety
Email	6,283	10,994	57.15
In App	47,866	95,371	50.19

209. The extent to which messages around safety permeated email communication is clear. As I discussed above, Uber was committed to creating an appearance of safety. A piece of that strategy was clearly including safety-related terminology in a vast number of email communications. The high prevalence of verification-related messaging (background checks, screening, identity verification) compared to direct personal safety communications supports the conclusion that Uber's email safety strategy focused primarily on creating perceptions of safety through credentialing processes rather than providing actionable risk information to users.²¹⁶

A. CRM Communications from Uber with Jaylynn Dean

210. Jaylynn Dean's communications²¹⁷ provide a case study of how Uber's messaging patterns related to individual user experiences and critical incidents. Ms. Dean experienced an assault on November 15, 2023. Analysis of her communications reveals patterns in Uber's messaging both before and after this incident. Communications between Uber and Ms. Dean began in April 2023 and continue through March 2025. During this time, Ms. Dean received 1,124 push notifications, 875 emails, 649 in-app communications, 7 intercom text messages, and 15 text messages. Unfortunately, the content and subject of all in-app communications for Ms.

insensitive and applied to both email subject lines and full message text to ensure comprehensive capture of safety-related content.

²¹⁵ *Id.*

²¹⁶ [REDACTED] Comm Log at I299 ("Wherever you're going, we'll take you there. Grab a ride Safety matters We've [sic] developed tech you can trust"); [REDACTED] Comm Log at I623 ("Learn about what Uber is doing to help keep you safe with driver background checks, insurance, and more."); UBER-MDL3084-BW-00000023 at I20. CRM Communication Log for [REDACTED] ("Ongoing driver screenings and rider feedback can help us build a safer community. Committed to safety Recurring screenings for every driver"). ([REDACTED] Comm Log)

²¹⁷ Dean Comm Log.

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Dean are missing. The email records appear complete, however. By analyzing the content of the email communications, I have found that 73% of emails (639 out of the 875) Ms. Dean received included messages about safety. The email communications between Uber and Ms. Dean are visualized in the following chart, which shows weekly messages.

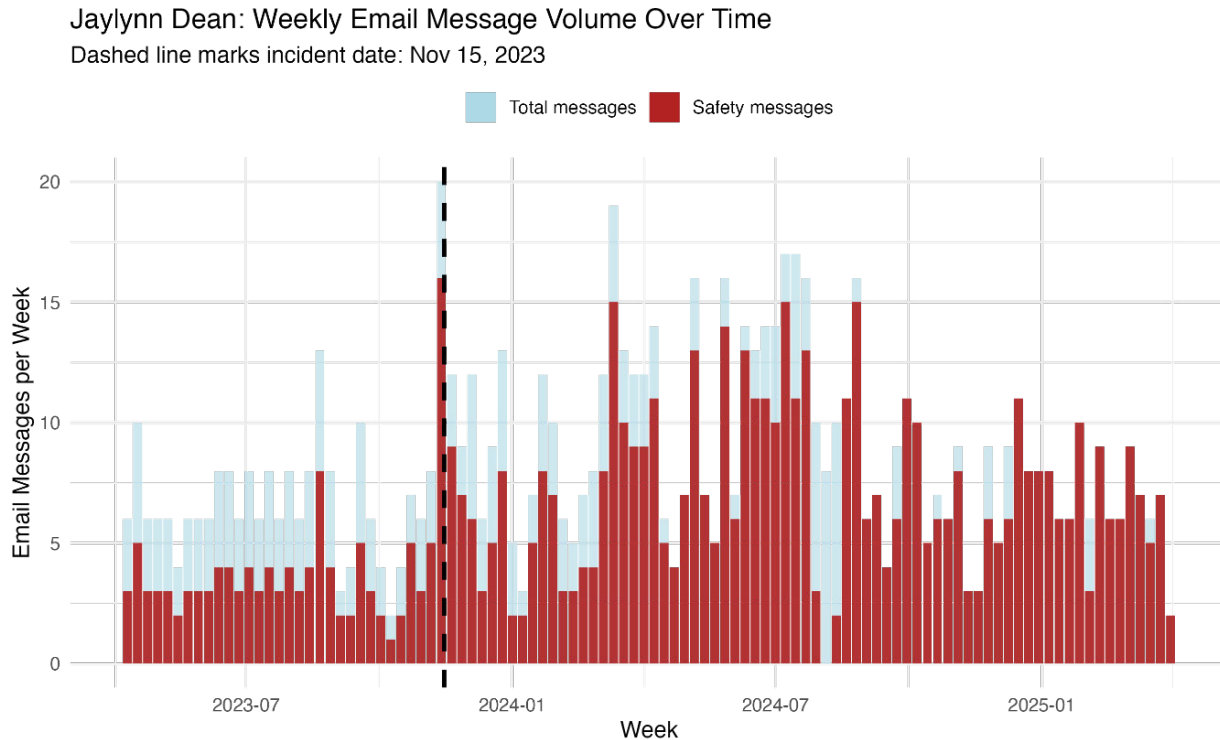


Figure 68. Graph of email messages sent to Jaylynn Dean from Uber.

211. Prior to the time when Ms. Dean was suffering her assault, and in the months afterward, Uber was inundating her with email messages, generally, and messages related to safety in particular.

212. When Ms. Dean opens the app, presumably at times she will utilize the service, there are 649 messages exchanged and none of them concern safety. See the image below of in-app messages between Uber and Ms. Dean.

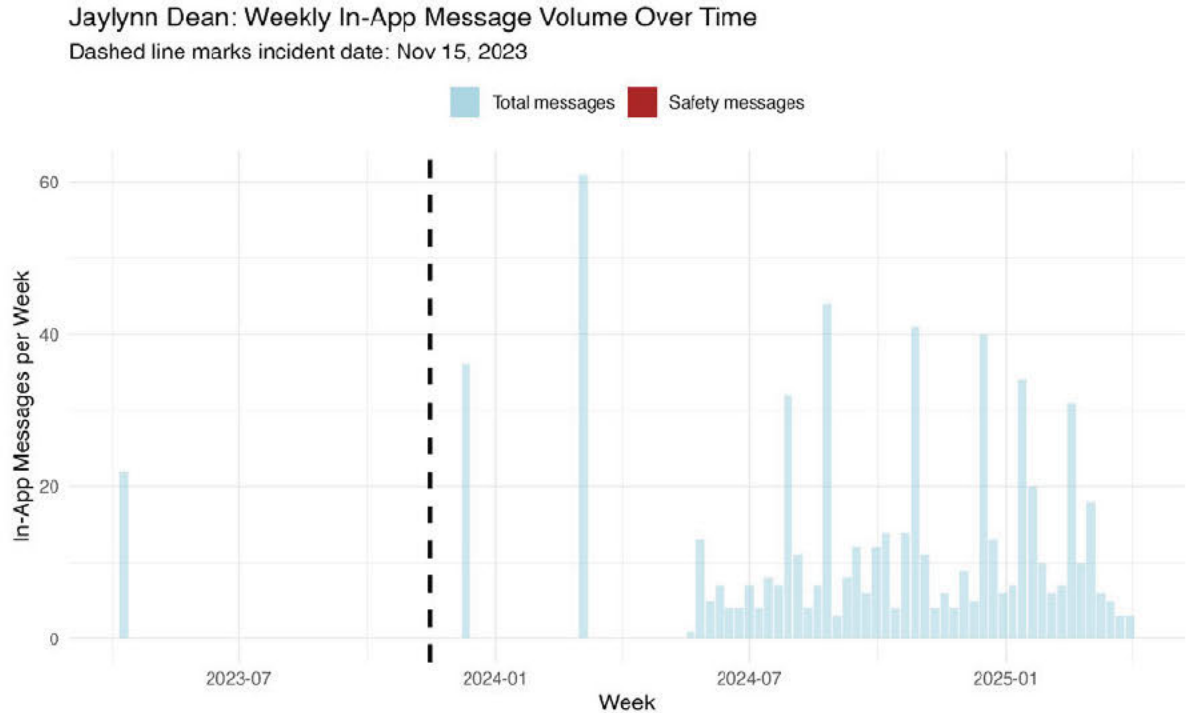
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Figure 69. Graph of in-app communications between Uber and Ms. Dean.

B. CRM Communications from Uber with [REDACTED]

213. [REDACTED] communications²¹⁸ provide another case study of how Uber's messaging patterns related to individual user experiences and critical incidents. [REDACTED] experienced an assault on August 12, 2022. Analysis of her communications reveals patterns in Uber's messaging both before and after this incident. Communications between Uber and [REDACTED] began in October 2016 and continue through March 2025. During this time, [REDACTED] received 1,336 push notifications, 1,218 emails, 492 in-app communications, 21 intercom text messages, and 3 text messages. By analyzing the content of the email communications, I have found that 60% of emails (731 out of 1,218) [REDACTED] received included messages about safety. The email messages are visualized below showing weekly messages.

²¹⁸ [REDACTED] Comm Log.

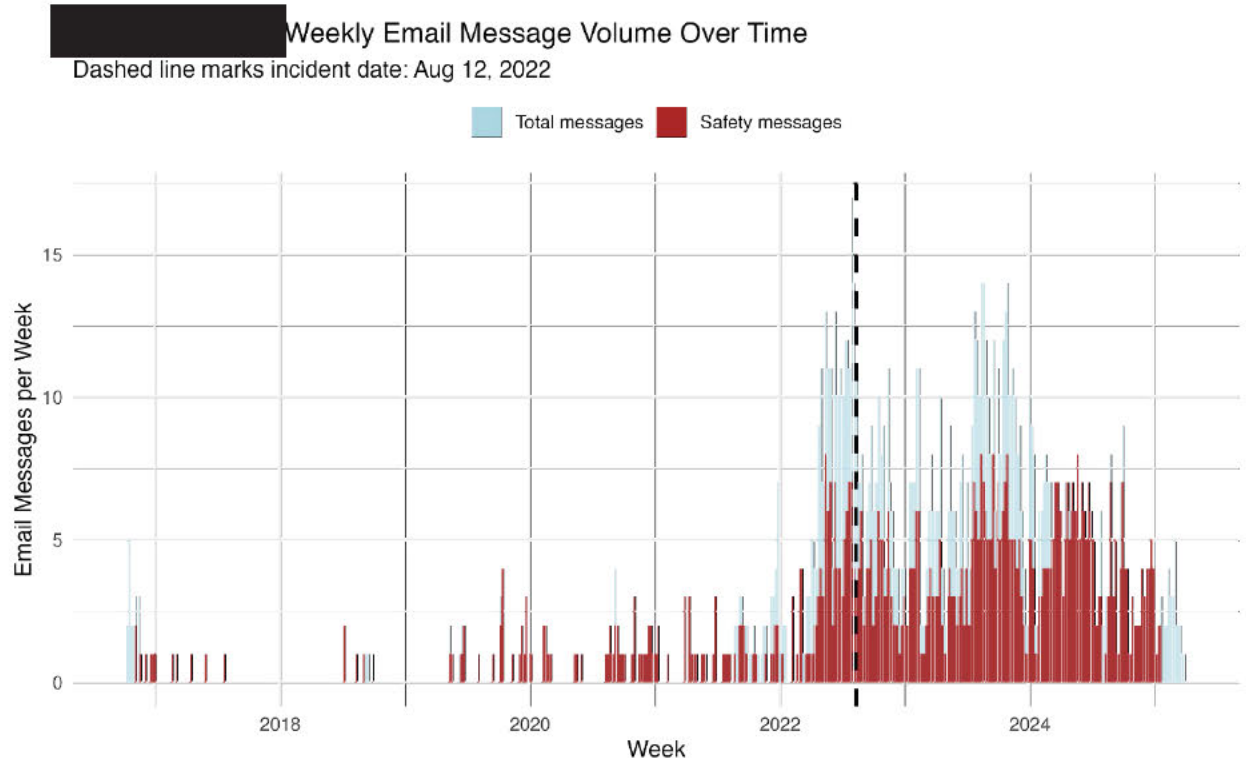
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Figure 70. Graph of email messages sent to [REDACTED] from Uber.

214. By analyzing the content of in-app communications I have found that 30% of in-app communications (152 out of 492) included messages about safety. The in-app communications are visualized in the following chart, which shows weekly messages.

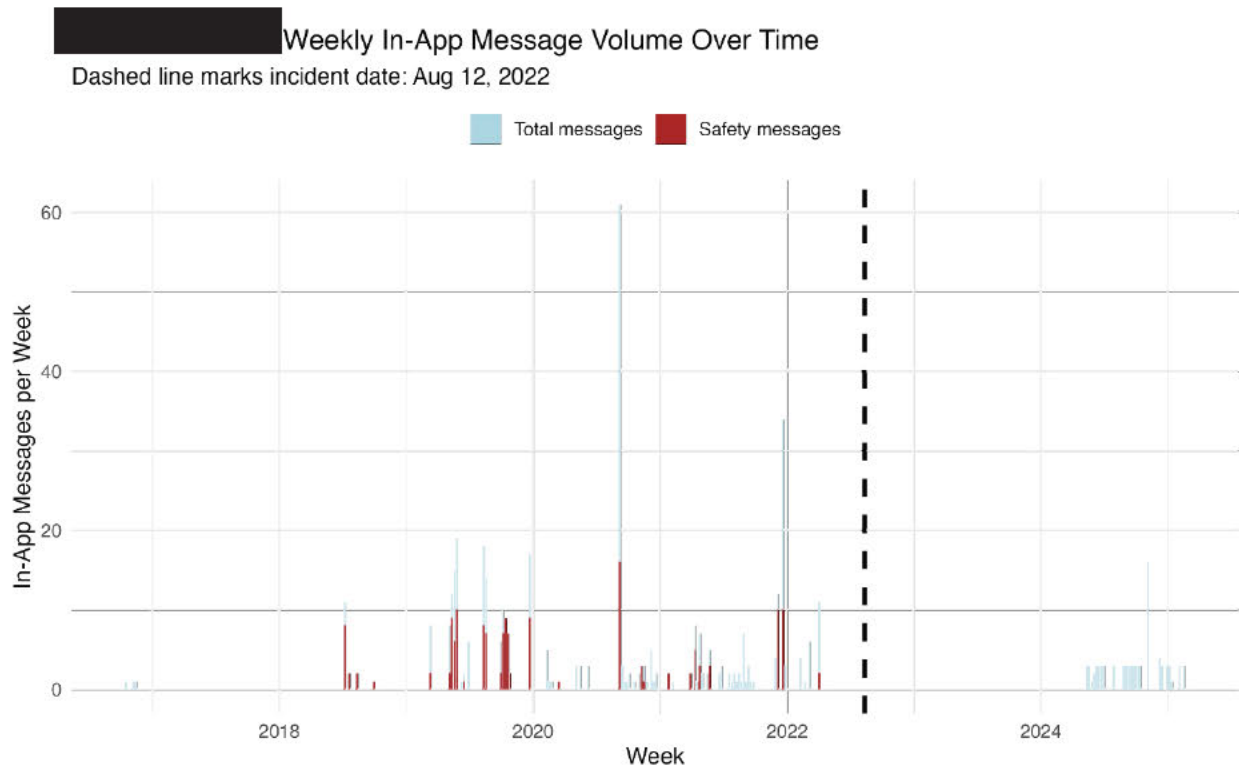
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Figure 71. Graph of in-app communications between Uber and Ms. Dean.

C. CRM Communications from Uber with [REDACTED]

215. [REDACTED] communications²¹⁹ provide another case study of how Uber's messaging patterns related to individual user experiences and critical incidents. [REDACTED] experienced an assault on March 26, 2019. Analysis of her communications reveals patterns in Uber's messaging both before and after this incident. Communications between Uber and [REDACTED] began in March of 2019 and continue through March 2025. During this time, [REDACTED] received 636 push notifications, 631 emails, and 139 in-app communications, and 2 text messages. Unfortunately, the content and subject of most in-app communications for [REDACTED] are missing. By analyzing the content of the email communications, I have found that 75% of emails (474 out of 631) [REDACTED] received included messages about safety. The totality of email communications, including the safety emails, is visualized in the following chart, which shows weekly messages.

²¹⁹ [REDACTED] Comm Log.

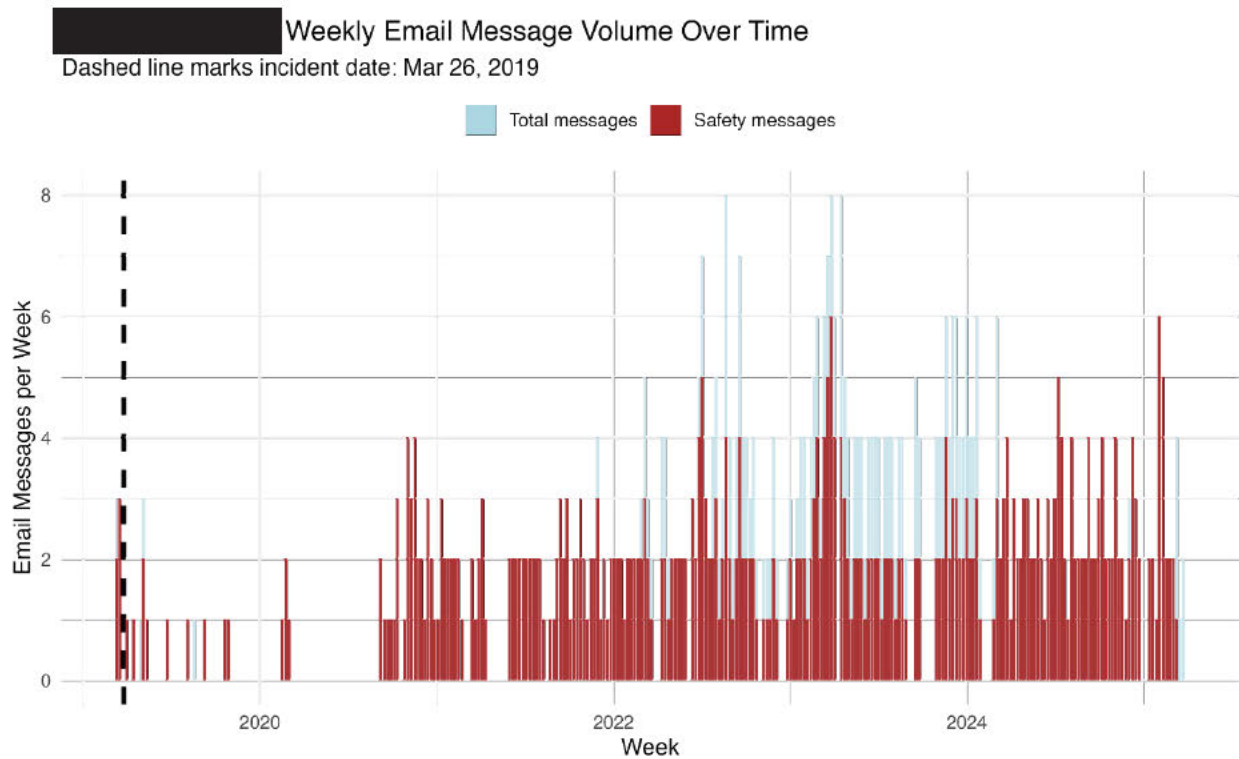
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Figure 72. Graph of all email messages sent to [REDACTED].

216. By analyzing the content of in-app communications I have found that 10% of in-app communications (14 out of 139) included messages about safety. This includes the in-app safety message [REDACTED] received the day of her incident that was discussed above. The in-app communications are visualized in the following chart, which shows weekly messages.

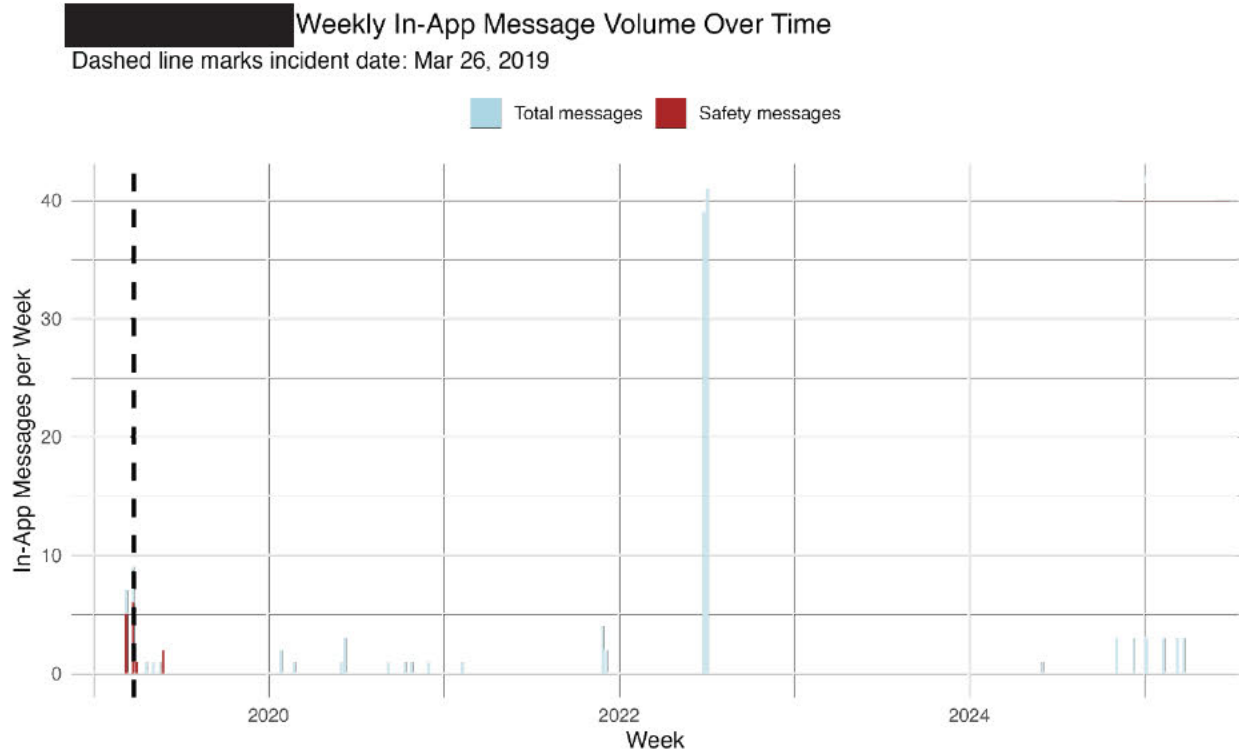
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Figure 73: Graph of in-app communications between Uber and ██████████.

D. CRM Communications from Uber with ██████████

217. ██████████ communications²²⁰ provide another case study of how Uber's messaging patterns related to individual user experiences and critical incidents. ██████████ experienced an assault on June 28, 2024. Analysis of her communications reveals patterns in Uber's messaging both before and after this incident. Communications between Uber and ██████████ began in February 2019 and continue through March 2025. During this time, ██████████ received 53,143 in-app notifications, 9,475 push notifications, 3,444 emails, 790 intercom-text communications, 146 Carbon communications, 103 inbox communications, 62 text messages, and 4 live-push notifications. By analyzing the content of the email communications, I have found that 58% of emails (2,005 out of 3,444) ██████████ received included messages about safety. The sum of emails by week, including safety messages, is visualized below.

²²⁰ ██████████ Comm Log.

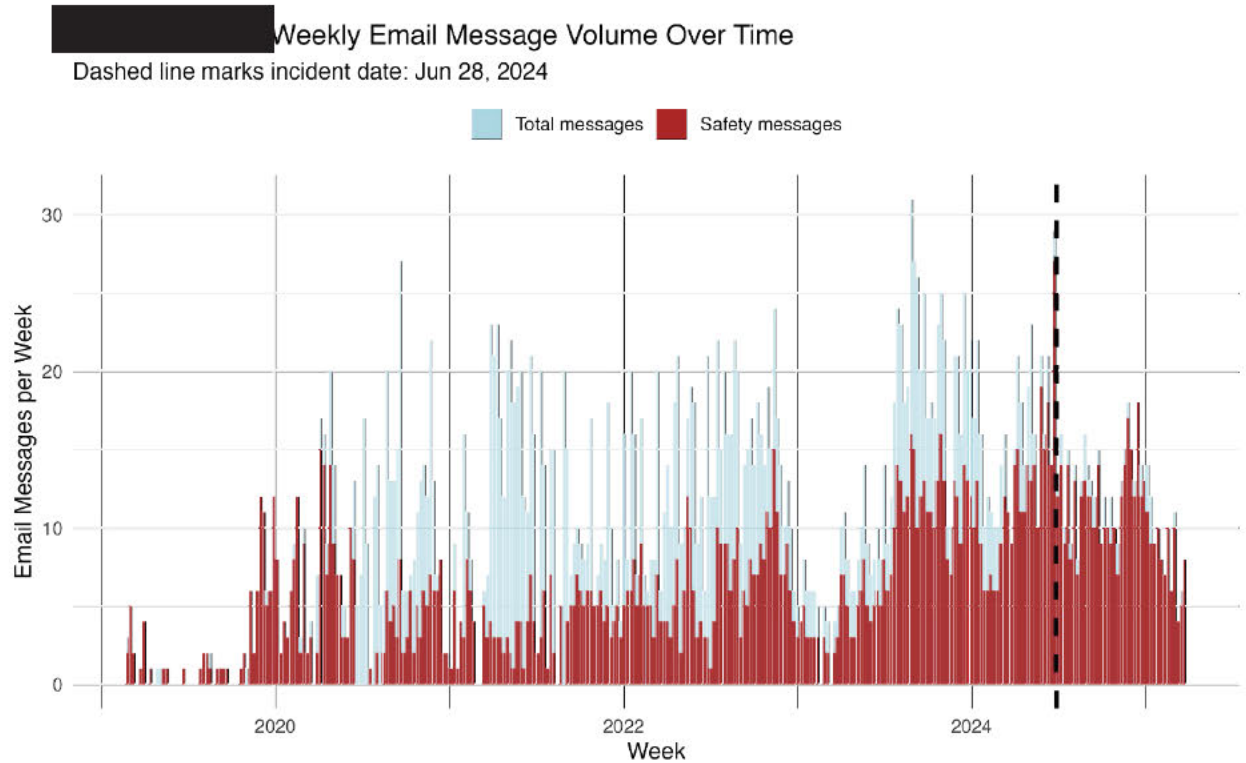
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Figure 74. Graph of email communications between Uber and [REDACTED].

218. By analyzing the content of in-app communications I have found that 51% of in-app communications (27,276 out of 53,143) include messages about safety. The totality of the communications, including the safety emails, is visualized in the following chart, which shows weekly messages.

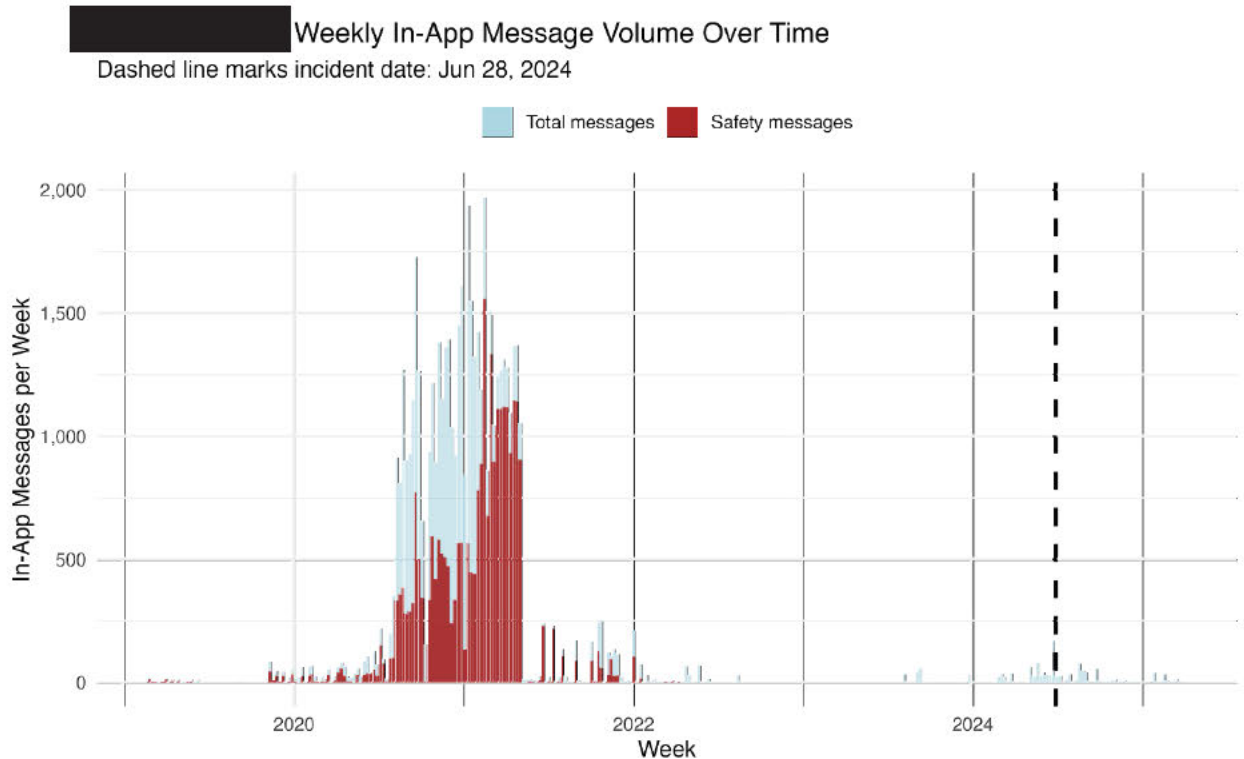
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Figure 75. Graph of in-app communications between Uber and [REDACTED].

E. CRM Communications from Uber with [REDACTED]

219. [REDACTED] communications²²¹ provide another case study of how Uber's messaging patterns related to individual user experiences and critical incidents. [REDACTED] experienced an assault on August 10, 2023. Analysis of her communications reveals patterns in Uber's messaging both before and after this incident. Communications between Uber and [REDACTED] began in January 2018 and continue through March 2025. During this time, [REDACTED] received 40,948 in-app notifications, 9,607 push notifications, 4,826 emails, 1,052 intercom-text messages, 22 text messages, and 1 live push notification. By analyzing the content of the email communications, I have found that 50% of emails (2,434 out of 4,826) [REDACTED] received included messages about safety. The graph of emails is displayed below.

²²¹ UBER-MDL3084-BW-00000012. CRM Communication Log for [REDACTED].

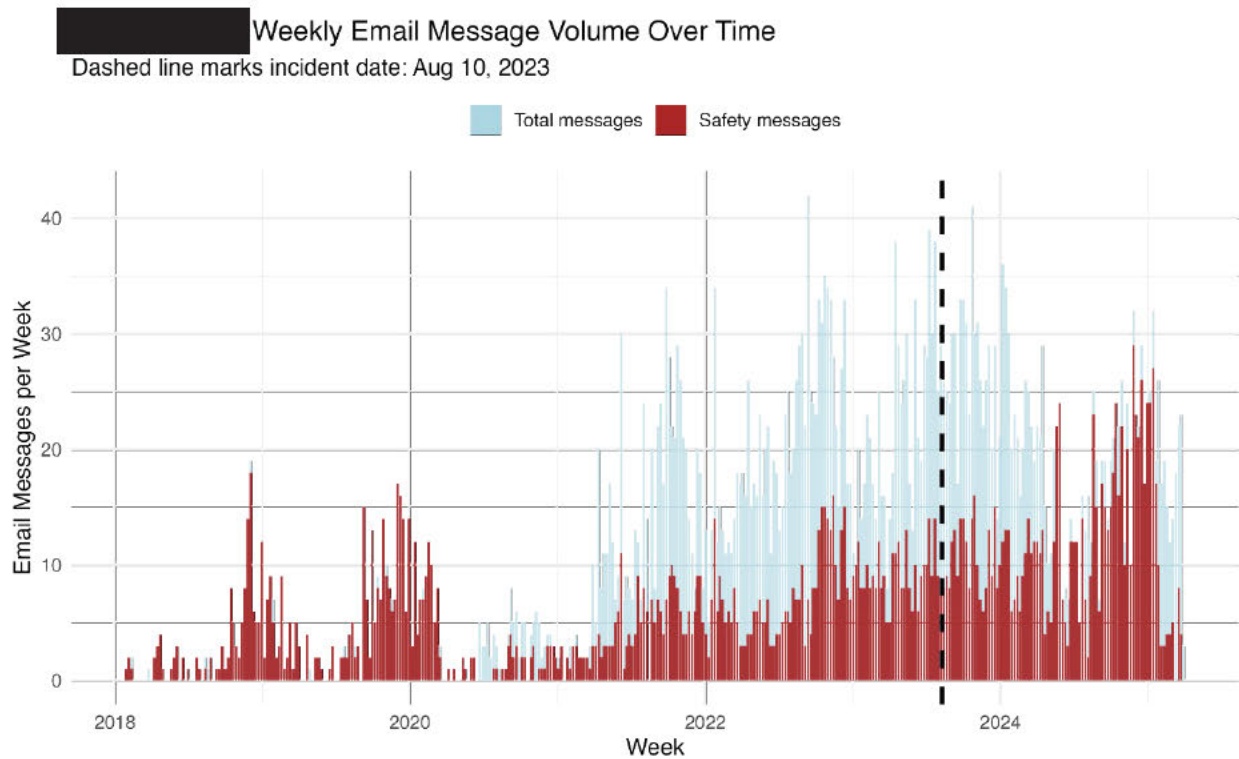
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Figure 75. Graph of email communication between Uber and [REDACTED].

220. By analyzing the content of in-app messages I have found that 49% (20,424 of 40,948) of messages include safety communication. The totality of in-app messages, including the safety messages, is visualized in the following chart, which shows weekly messages.

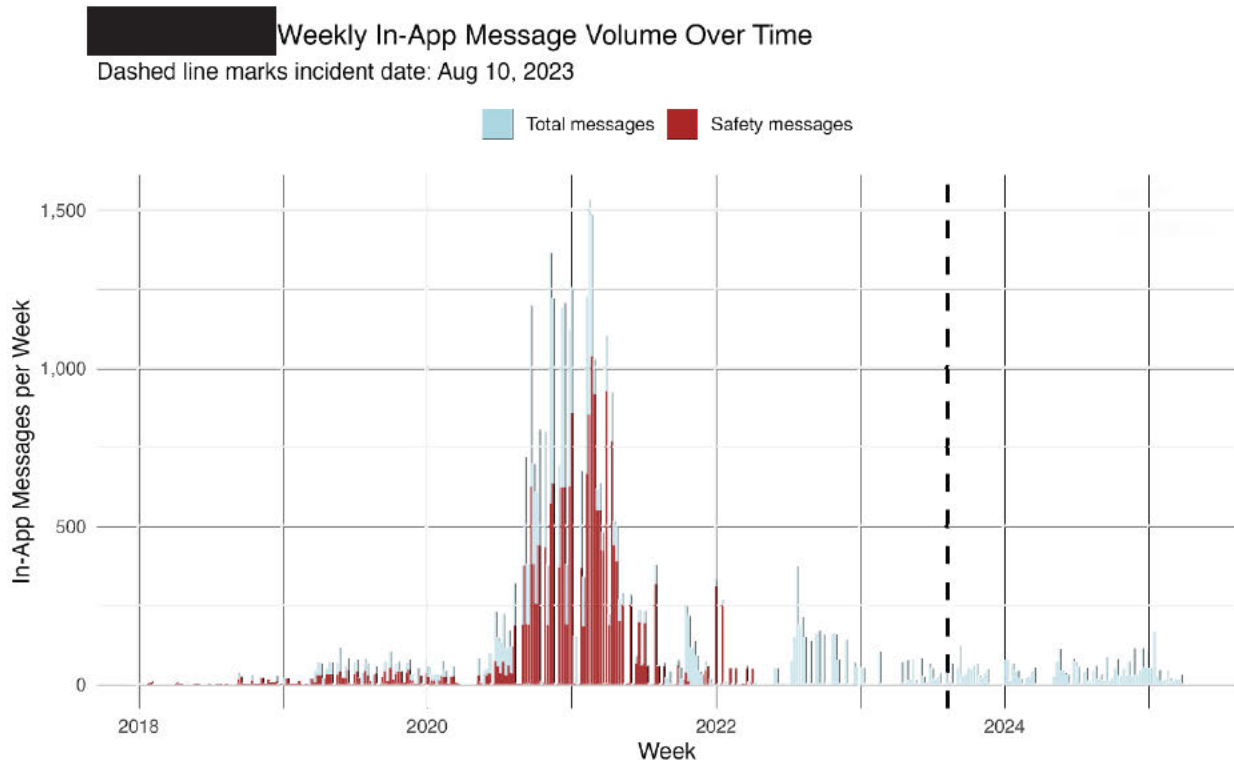
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Figure 76. Graph of in-app communications between Uber and [REDACTED].

221. Review of the Plaintiffs' communication logs confirms what Uber's broader marketing strategy consistently set out to achieve: across major user channels, Uber delivered extensive, branded messaging explicitly touting safety as a core value. These branded touchpoints reached Plaintiffs in high volume and at high frequency, with safety themes permeating much of the ongoing digital CRM engagement. This evidences that Uber's touted commitment to safety was not merely an incidental or generic aspect of its outreach, but rather a deliberate, integral component of its branded communication with users, as reflected in the communications sent to these Plaintiffs.

222. The sheer volume of outreach—tens of thousands of messages to some Plaintiffs—shows that communications were a core branding lever, not housekeeping. Safety themes dominate that outreach: more than half of emails carry safety content, and the emphasis falls on verification tropes (background checks, screening) that signal “we are safe” rather than providing actionable risk information.

223. With in-app messages and email, the same safety framing appears, indicating coordinated campaign work between marketing and safety functions rather than independent safety oversight. And despite Uber's possession of detailed safety data (as its granular feedback systems make plain), the user-facing communications offer general reassurances, not concrete risk information that would help people make

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informed choices. Taken together, the evidence shows a strategy aimed at perception management and user acquisition over transparent safety disclosure—consistent with the framework set out earlier in this report.

X. Reservation of Rights

224. My opinions and analysis are based upon the information available to me to date. I reserve the right to review and consider additional information that may be produced by the parties to this dispute. I intend to supplement my opinions, if it is appropriate to do so. I also reserve the ability to provide reply opinions and testimony in this matter, to create demonstratives for use at trial based upon the information contained in this report, appendices, and exhibits, and generally to utilize other graphical depictions as aids in the presentation of my findings.

HIGHLY CONFIDENTIAL**Appendix D: Incident Estimates**

1. This appendix provides a detailed overview of my analysis to estimate the true rate of incidents on the Uber platform, accounting for underreporting. This analysis follows the peer-reviewed analysis by Bradshaw and Blei, which estimated the number of sexual assaults on college and university campuses with a Bayesian hierarchical model.²²²

2. A Bayesian hierarchical model allows for explicit incorporation of the uncertainty in these estimates. Estimating under-reporting is fundamentally challenging and the Bureau of Justice Statistics has invested in building the best-possible estimates of the reporting rate.²²³ Using these estimates as informative priors, this model full uncertainty propagation, resulting in final credible intervals that capture the sources of error, while letting the data speak.

3. The statistical problem of underreporting arises whenever observed counts reflect only a fraction of the true events of interest. In criminology, epidemiology, and related fields, underreporting has been addressed through hierarchical Bayesian models that combine observed counts with informative priors derived from external data sources. In particular, Bradshaw and Blei (2024) develop a Bayesian framework for sexual assault reporting on U.S. college campuses. They model the observed number of reports as the outcome of a binomial thinning process applied to a latent Poisson rate of true assaults. Because the product of incidence and reporting probability is identified but the individual components are not, they employ informative priors based on the National Crime Victimization Survey (NCVS) to separate the two processes.

4. The present analysis follows this well-established approach. Uber's incident data, like the Clery Act²²⁴ statistics analyzed by Bradshaw and Blei, record only reported assaults, which are known to be subject to underreporting. As in their work, the model developed here uses external information from the NCVS to anchor priors on reporting rates. The model is estimated via Hamiltonian Monte Carlo in Stan, which allows for efficient sampling from complex posterior distributions. This design places the current analysis firmly within the mainstream of the statistical literature on underreporting models.

²²² Bradshaw, C., & Blei, D. M. (2024).

²²³ Lauritsen, J., Owens, J. G., Planty, M., Rand, M., & Truman, J. (2012). Methods for Counting High-Frequency Repeat Victimizations in the National Crime Victimization Survey. <http://bjs.ojp.usdoj.gov/content/pub/pdf/mchfrv.pdf>

²²⁴ 20 U.S.C. § 1092 (2021). ("Jeanne Clery Campus Safety Act")

HIGHLY CONFIDENTIAL**A. Model Specification**

5. Let y_{it} denote the number of incidents reported to Uber of type i in year t , for the 27 incident types described in the safety report and the years 2017–22 and 2023–4.²²⁵ Let R_{it} denote the number of rides in that same stratum. The model assumes that the true number of incidents, μ_{it} , scales with the exposure (rides) but allows for type-specific variation and overdispersion. The probability that an incident is reported is indexed by year and denoted p_t . Formally, the model is

$$y_{it} \sim \text{NegBinomial}(\mu_{it} \cdot p_t, \phi),$$

with

$$\log \mu_{it} = \alpha_0 + \alpha_{\text{type}[i]} + \beta \log R_{it}$$

and

$$p_t \sim \text{Beta}(\alpha_t, \beta_t).$$

6. Here, α_0 is a global intercept, $\alpha_{\text{type}[i]}$ captures the incident-type effects with hierarchical shrinkage, and β governs the elasticity of incidents with respect to rides. The dispersion parameter, ϕ , allows the variance of observed counts to exceed the mean, reflecting the heterogeneity expected in real-world reporting data. The priors on p_t are year-specific, with parameters calibrated from the NCVS survey estimates of reporting probabilities.²²⁶

7. Posterior inference proceeds by Hamiltonian Monte Carol sampling, yielding draws from the joint posterior distribution over incident μ_{it} , reporting probabilities p_t , and hyperparameters. From these draws, I construct posterior summaries of the total number of true incidents, the type-specific frequencies, and the annual reporting rates.

²²⁵ As described in the body of the report, these time ranges are handled separately to allow direct comparison with Uber's extant Safety Reports.

²²⁶ Bureau of Justice Statistics (Dec. 2018). Criminal Victimization, 2017. Accessed Sept. 18, 2025. <https://bjs.ojp.gov/content/pub/pdf/cv17.pdf>; Bureau of Justice Statistics (Sept. 2019). Criminal Victimization, 2018. Accessed Sept. 18, 2025. <https://bjs.ojp.gov/content/pub/pdf/cv18.pdf>; Bureau of Justice Statistics (Sept. 2020). Criminal Victimization, 2019. Accessed Sept. 18, 2025. <https://bjs.ojp.gov/content/pub/pdf/cv19.pdf>; Bureau of Justice Statistics (Oct. 2021). Criminal Victimization, 2020. Accessed Sept. 18, 2025. <https://bjs.ojp.gov/media/65271/download>; Bureau of Justice Statistics (Sept. 2022). Criminal Victimization, 2021. Accessed Sept. 18, 2025. <https://bjs.ojp.gov/content/pub/pdf/cv21.pdf>; Bureau of Justice Statistics (Sept. 2023). Criminal Victimization, 2022. Accessed Sept. 18, 2025. <https://bjs.ojp.gov/document/cv22.pdf>; and Bureau of Justice Statistics (Sept. 2024). Criminal Victimization, 2023. Accessed Sept. 18, 2025. <https://bjs.ojp.gov/document/cv23.pdf>. (collectively, "NCVS Data")

HIGHLY CONFIDENTIAL**B. Data Sources and Preparation**

8. This analysis combines three primary data sources. The first, Uber incident data, is based on data released by Uber giving monthly counts of incidents across a range of sexual assault and misconduct categories for the years 2017–24.²²⁷ These categories align with those disclosed in Uber’s Safety Reports, but the released dataset is more comprehensive, including all incident types tracked by Uber. Consistent with Department of Justice reporting conventions, each incident type is analyzed separately. Annual totals of incidents are constructed by summing monthly counts within each calendar year.

9. The “exposure” data in the model comes from the ride totals provided by Uber in the abovementioned data set. These are aggregated to annual totals and used as the exposure variable. Modeling incidents as a function of log-rides ensures that estimates account for changes in platform usage over time. The log transformation matches the exposure transformation from Bradshaw and Blei and allows for realistic, sublinear growth of incidents relative to rides.

10. To address the inherent identifiability problem in under-reporting models, external information on reporting rates is required. The National Crime Victimization Survey (“NCVS”) provides annual estimates of the fraction of sexual assaults reported to police, along with standard errors.^{228 229} These estimates are used to construct informative Beta priors on the annual reporting probabilities p_t . Specifically, for each the NCVS mean and standard error are converted into shape parameters, (α_t, β_t) , yielding priors that are centered at the empirically observed reporting rates while incorporating their uncertainty.

11. Preprocessing converting all counts to integers, aligning the years of NCVS priors with those in the Uber data, and constructing unique identifiers for incident types and years. The result is a rectangular data set indexed by (i, t) , where i denotes the incident type and t denotes the year. All processing code is included in the provided modeling code repository.

C. Inference and Diagnostics

12. Posterior inference was conducted using Hamiltonian Monte Carlo (HMC) implemented in Stan. Eight chains of 3,500 iterations each (1,500 warmup, 2,000 sampling) were run in parallel. Convergence diagnostics indicated reliable

²²⁷ 2017-2024 Stats.

²²⁸ NCVS Data.

²²⁹ At the time of this report, the 2024 NCVS under-reporting estimates have not been published. In my model I have used an average of the previous seven years to set my priors.

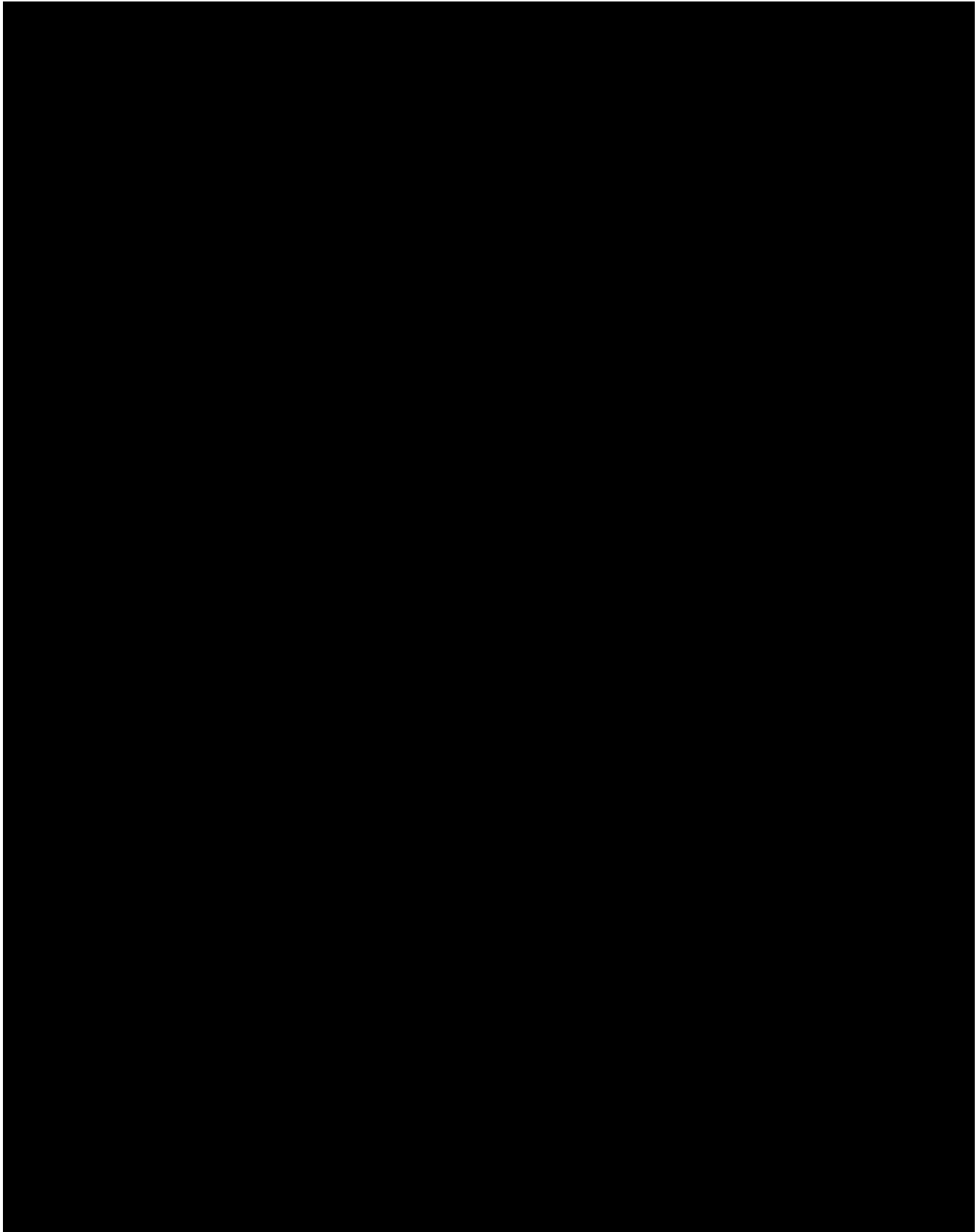
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sampling: all potential scale reduction factors (\hat{R}) were at or below 1.01, and effective sample sizes for bulk and tail estimates exceeded conventional thresholds.

13. As with Bradshaw and Blei’s campus application, the absence of validation data makes predictive checks essential. Posterior samples of the expected reported counts ($\mu_{it} \cdot p_t$) were aggregated to the year level and compared to the actual reported totals. Across years, nearly all observed counts fell well within the 95% posterior predictive intervals, indicating that the model captures the scale and variation of reported incidents.

14. Overall, the model is well calibrated. The 95% predictive interval of expected reported counts includes the actual counts for 163 out of the 176 year-incident combinations (93% coverage). The 50% predictive interval includes the true reported number 55% of the time. Most values outside the posterior intervals are from 2017, when Uber generally reported lower-than-expected counts or are related to Parent Category Usage Tracking categories. Around 2020, Uber made classification changes to the category “Sexual Misconduct: Masturbation and Indecent Exposure.” This category has been reclassified over time and Uber reported zeros in all years for this category. The posterior predictive checks are shown in the following figure.

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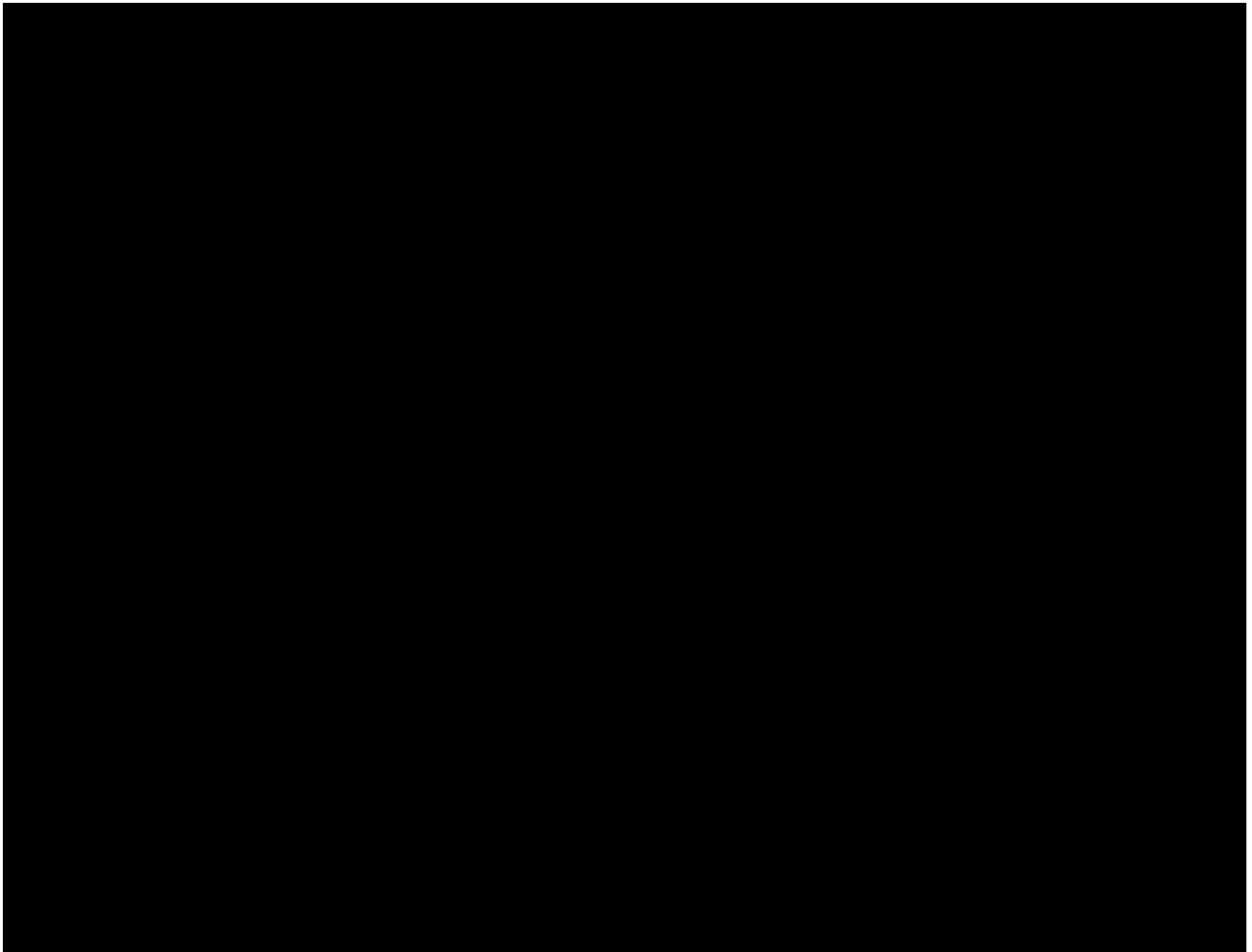
Figure 76: Posterior predictive checks of under-reporting model, showing good agreement between the models estimates and the totals reported to Uber. 2017 is the only year showing significant disagreement between reported and modeled counts.

15. Posterior distributions for systemwide totals, type-specific incident frequencies, and reporting probabilities are summarized through median estimates and 50% and 95% predictive intervals. Interval widths appropriately reflect both sampling uncertainty and the structural uncertainty introduced by underreporting. Visual checks (e.g., overlay plots of observed vs. predicted counts, interval plots of annual reporting rates) confirm that the model yields internally consistent estimates. Taken together, these diagnostics support the conclusion that the model provides a reliable framework for quantifying underreporting in Uber’s sexual assault and misconduct data.

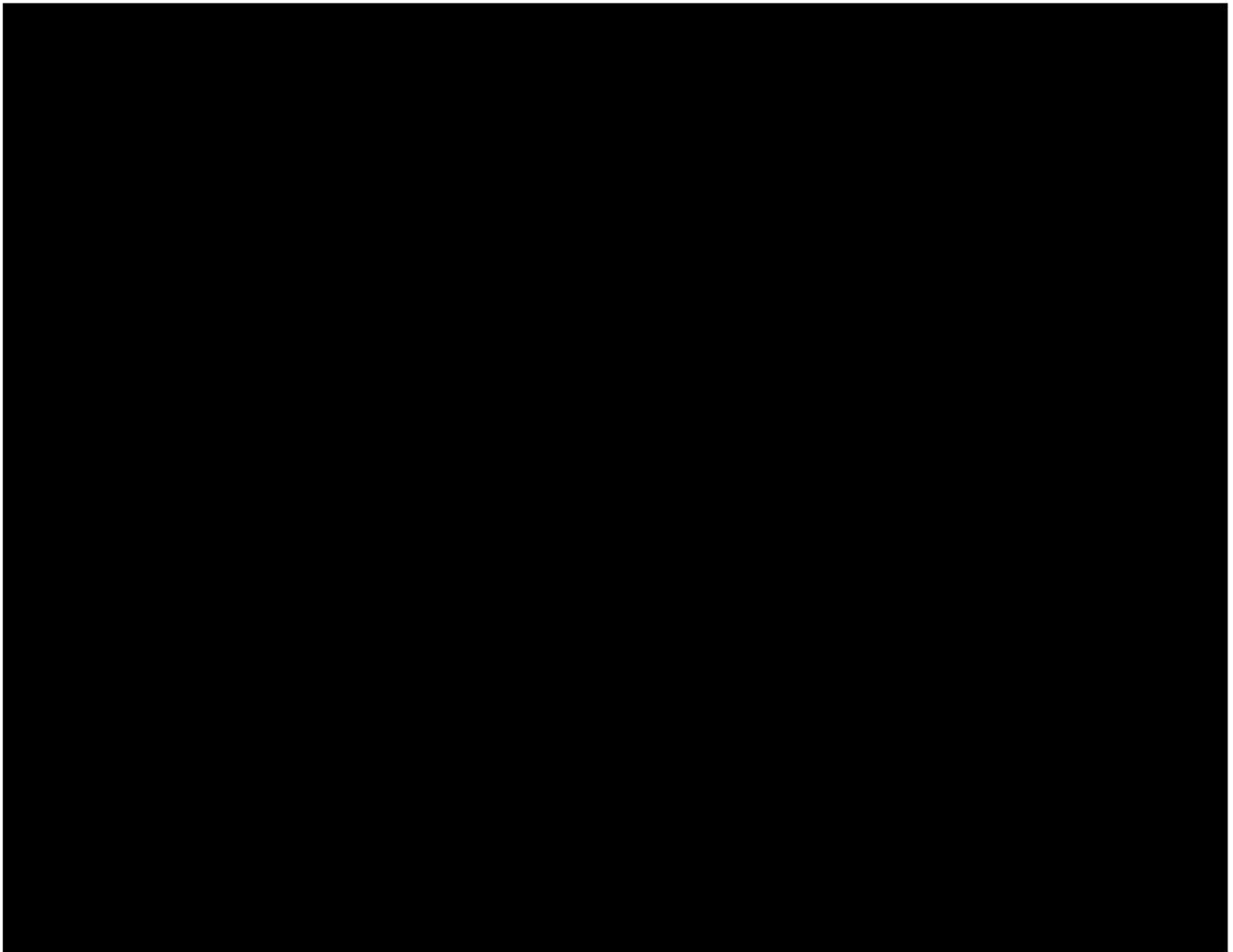
D. Results

16. Posterior estimates of total sexual assault and misconduct incidents across Uber rides were aggregated annually from 2017 to 2022. Median estimates substantially exceed Uber’s officially reported totals, consistent with the presence of widespread underreporting. The credible intervals appropriately widen in later years as overall ride volume increases. Data are shown in the following figures.

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17. When aggregated across all years, type-specific estimates reveal stark discrepancies between Uber's Safety Report figures and the posterior totals. [REDACTED]

[REDACTED] These results are shown above in Figure 63 and Figure 64.

18. Posterior draws for the annual reporting probabilities p_t align with the NCVS-informed priors but reflect the Uber-specific data. Reporting rates appear to have increased modestly over the study period, consistent with survey evidence of rising willingness to report sexual victimization. These data are shown above in Figure 67.

E. Sensitivity Analysis

19. The identifiability challenge inherent in underreporting models requires assessment of prior assumptions. Several robustness checks were conducted. Priors on reporting probabilities. Widening the NCVS-based Beta priors produced broader credible intervals but left central conclusions unchanged: estimated true incidents remain substantially larger than Uber's reported totals.

HIGHLY CONFIDENTIAL**F. Reproducibility**

20. All data preprocessing, model fitting, and visualization steps were conducted in R (v4.4.3) using open-source packages (`tidyverse`, `tidybayes`, `rstan`, `posterior`, `bayesplot`). The Bayesian model was implemented in Stan and executed with eight parallel chains and standard convergence diagnostics. Code and data processing scripts are produced in the version-controlled repository, ensuring full reproducibility of results. The analysis is transparent and replicable, with all assumptions and parameterizations documented in this appendix.

G. Data Tables

21. This section contains tables summarizing my results. I have included a table for all incident counts with 95% credible intervals for the true rate of incidents on Uber's platform, as well as all data points necessary to recreate the charts in my report.

1. 

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Year	Country	Population (millions)	Urban Population (millions)	Rural Population (millions)
1950	United States	150	100	50
1950	United Kingdom	55	45	10
1950	France	45	35	10
1950	Germany	50	40	10
1950	Italy	45	30	15
1950	Japan	80	20	60
1950	China	550	100	450
1950	India	350	50	300
1960	United States	170	120	50
1960	United Kingdom	55	45	10
1960	France	45	35	10
1960	Germany	50	40	10
1960	Italy	45	30	15
1960	Japan	100	30	70
1960	China	650	150	500
1960	India	400	100	300
1970	United States	190	140	50
1970	United Kingdom	55	45	10
1970	France	45	35	10
1970	Germany	50	40	10
1970	Italy	45	30	15
1970	Japan	120	50	70
1970	China	750	250	500
1970	India	450	150	300
1980	United States	210	160	50
1980	United Kingdom	55	45	10
1980	France	45	35	10
1980	Germany	50	40	10
1980	Italy	45	30	15
1980	Japan	130	70	60
1980	China	900	400	500
1980	India	500	200	300
1990	United States	230	180	50
1990	United Kingdom	55	45	10
1990	France	45	35	10
1990	Germany	50	40	10
1990	Italy	45	30	15
1990	Japan	130	90	40
1990	China	1100	600	500
1990	India	600	300	300
2000	United States	250	200	50
2000	United Kingdom	55	45	10
2000	France	45	35	10
2000	Germany	50	40	10
2000	Italy	45	30	15
2000	Japan	130	110	20
2000	China	1200	700	500
2000	India	700	400	300
2010	United States	270	220	50
2010	United Kingdom	55	45	10
2010	France	45	35	10
2010	Germany	50	40	10
2010	Italy	45	30	15
2010	Japan	130	120	10
2010	China	1300	800	500
2010	India	800	500	300
2020	United States	290	240	50
2020	United Kingdom	55	45	10
2020	France	45	35	10
2020	Germany	50	40	10
2020	Italy	45	30	15
2020	Japan	130	120	10
2020	China	1400	900	500
2020	India	900	600	300

- 123 -

- 124 -

- 125 -

HIGHLY CONFIDENTIAL

Country	Year	Population (millions)	Population (millions)	Population (millions)
Algeria	2010	34.0	34.0	34.0
Algeria	2011	34.5	34.5	34.5
Algeria	2012	35.0	35.0	35.0
Algeria	2013	35.5	35.5	35.5
Algeria	2014	36.0	36.0	36.0
Algeria	2015	36.5	36.5	36.5
Algeria	2016	37.0	37.0	37.0
Algeria	2017	37.5	37.5	37.5
Algeria	2018	38.0	38.0	38.0
Algeria	2019	38.5	38.5	38.5
Algeria	2020	39.0	39.0	39.0
Algeria	2021	39.5	39.5	39.5
Algeria	2022	40.0	40.0	40.0
Algeria	2023	40.5	40.5	40.5
Algeria	2024	41.0	41.0	41.0
Algeria	2025	41.5	41.5	41.5
Algeria	2026	42.0	42.0	42.0
Algeria	2027	42.5	42.5	42.5
Algeria	2028	43.0	43.0	43.0
Algeria	2029	43.5	43.5	43.5
Algeria	2030	44.0	44.0	44.0
Algeria	2031	44.5	44.5	44.5
Algeria	2032	45.0	45.0	45.0
Algeria	2033	45.5	45.5	45.5
Algeria	2034	46.0	46.0	46.0
Algeria	2035	46.5	46.5	46.5
Algeria	2036	47.0	47.0	47.0
Algeria	2037	47.5	47.5	47.5
Algeria	2038	48.0	48.0	48.0
Algeria	2039	48.5	48.5	48.5
Algeria	2040	49.0	49.0	49.0
Algeria	2041	49.5	49.5	49.5
Algeria	2042	50.0	50.0	50.0
Algeria	2043	50.5	50.5	50.5
Algeria	2044	51.0	51.0	51.0
Algeria	2045	51.5	51.5	51.5
Algeria	2046	52.0	52.0	52.0
Algeria	2047	52.5	52.5	52.5
Algeria	2048	53.0	53.0	53.0
Algeria	2049	53.5	53.5	53.5
Algeria	2050	54.0	54.0	54.0
Algeria	2051	54.5	54.5	54.5
Algeria	2052	55.0	55.0	55.0
Algeria	2053	55.5	55.5	55.5
Algeria	2054	56.0	56.0	56.0
Algeria	2055	56.5	56.5	56.5
Algeria	2056	57.0	57.0	57.0
Algeria	2057	57.5	57.5	57.5
Algeria	2058	58.0	58.0	58.0
Algeria	2059	58.5	58.5	58.5
Algeria	2060	59.0	59.0	59.0
Algeria	2061	59.5	59.5	59.5
Algeria	2062	60.0	60.0	60.0
Algeria	2063	60.5	60.5	60.5
Algeria	2064	61.0	61.0	61.0
Algeria	2065	61.5	61.5	61.5
Algeria	2066	62.0	62.0	62.0
Algeria	2067	62.5	62.5	62.5
Algeria	2068	63.0	63.0	63.0
Algeria	2069	63.5	63.5	63.5
Algeria	2070	64.0	64.0	64.0
Algeria	2071	64.5	64.5	64.5
Algeria	2072	65.0	65.0	65.0
Algeria	2073	65.5	65.5	65.5
Algeria	2074	66.0	66.0	66.0
Algeria	2075	66.5	66.5	66.5
Algeria	2076	67.0	67.0	67.0
Algeria	2077	67.5	67.5	67.5
Algeria	2078	68.0	68.0	68.0
Algeria	2079	68.5	68.5	68.5
Algeria	2080	69.0	69.0	69.0
Algeria	2081	69.5	69.5	69.5
Algeria	2082	70.0	70.0	70.0
Algeria	2083	70.5	70.5	70.5
Algeria	2084	71.0	71.0	71.0
Algeria	2085	71.5	71.5	71.5
Algeria	2086	72.0	72.0	72.0
Algeria	2087	72.5	72.5	72.5
Algeria	2088	73.0	73.0	73.0
Algeria	2089	73.5	73.5	73.5
Algeria	2090	74.0	74.0	74.0
Algeria	2091	74.5	74.5	74.5
Algeria	2092	75.0	75.0	75.0
Algeria	2093	75.5	75.5	75.5
Algeria	2			

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- 128 -

- 129 -

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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

JOHN CHANDLER

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+1.406.544.8720

john.chandler@gmail.com, john.chandler@stthomas.edu, john@datainsightsllc.com

EDUCATION

University of Montana

Ph.D. in Mathematical Sciences **2010**

Dissertation: Statistical Learning in Online Advertising

University of Washington

MS in Mathematics **1999**

Thesis: Visualizing Network Flows

Middlebury College

BA in Mathematics (Magna Cum Laude, Thesis Honors) **1996**

Minor: Sociology

Thesis: Representations of Finite Groups

AWARDS

MS in Business Analytics Outstanding Faculty Award **2017-2022, 2024**

Outstanding Non-Tenure Track Faculty Award **2017, 2020**

TEACHING EXPERIENCE

University of St. Thomas

Assistant Professor of Data Science **2025-Present**

University of Montana

Clinical Professor **2014-2025**

Co-developed curriculum for MS in Business Analytics. Developed courses Applied Data Analytics, Text Mining and Unstructured Data, Advanced Applied Modeling, Introduction to SQL, and Telling Stories with Data. Additionally, taught weekend and short courses.

Instructor **2007**

Developed syllabus and taught "Simulations in R".

ORT University, Montevideo Uruguay

Visiting Professor **2018-Present**

Annual teaching of Telling Stories with Data for analytics students and assistance with the development of business analytics degree.

University of San Diego

Adjunct Professor

2021-2024

Teaching Applied Text Mining (ADS-509) in the MS of Applied Data Science degree.

University of Washington

Instructor

1998-1999

Taught Calculus, Pre-Calculus, Linear Algebra, and Algebra

RELATED EXPERIENCE

Data Insights

Managing Partner

2012 – Present

Managed data science consulting practice, working with numerous Fortune 500 companies and start-ups.

Microsoft

Research Director

2007-2011

Data scientist at Microsoft, working across a variety of advertiser, publisher and auction products. Last position was leading research for Microsoft TV.

aQuantive

Principal Analyst

1999-2007

Data scientist working at the intersection of product, statistics and marketing.

BOOKS

Steele, B, J Chandler and S Reddy (2018). *Algorithms for Data Science*. New York: Springer-Verlag

PUBLICATIONS AND PAPERS

Smith, M. L., MacLehose, R. F., Chandler, J. W., & Berman, J. D. (2022). Thunderstorms, Pollen, and Severe Asthma in a Midwestern, USA, Urban Environment, 2007–2018. *Epidemiology*, 33(5), 624-632.

Earnest, D., & Chandler, J. (2021). Making time: Words, narratives, and clocks in elementary mathematics. *Journal for Research in Mathematics Education*, 52(4), 407-443.

Yung, L., Chandler, J., & Haverhals, M. (2015). Effective weed management, collective action, and landownership change in western Montana. *Invasive plant science and management*, 8(2), 193-202.

Yung, Laurie., Freimund, Wayn., & Chandler-Pepelnjak, John. (2008). Wilderness politics in the American West. *International Journal of Wilderness*, 14(2), 14-23.

PAPERS UNDER REVIEW AND WORKING PAPERS

Metcalf, A., Birdsong, M., & Chandler, J. "Private ownership of the public trust: a Montana case study". *Awaiting review at Human Dimensions of Wildlife*.

Chandler, J. & Bu, X. "We will but I did: Collectivism versus individualism in political convention speeches". *Preparing for initial submission in PNAS*.

Chandler, J. "Violations of independence in network statistics". *Preparing for initial submission at Social Network Analysis*.

CONSULTING REPORTS AND WHITE PAPERS

"Measuring ROI Beyond the Last Ad"	2009
"The Long Road to Conversion: The Digital Purchase Funnel"	2008
"Optimal Frequency: The Impact of Frequency on Conversion Rates"	2006
"Traditional Advertising Metrics on the Web: Forecasting GRP's, Reach and Effective Reach Online"	2007
"Forecasting Reach, Frequency, and GRPs on the Internet"	2004
"Atlas Annual Holiday Shopping Report"	2000-2007

PATENT APPLICATIONS

"System and method for determining internet advertising strategy" US20030074252A1; with A Easterly	2003
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INVITED TALKS

"Teaching Analytics in the Age of AI" Universidad ORT Uruguay	2024
"DevOps is Data Science" Data Tech	2019
"Measuring Marketing Effectiveness" Universidad ORT Uruguay	2019
"Data Science is Dev-Ops" University of Montana	2018
"Marketing Science at Tableau" Tableau Conference	2018
"The Collision of Data Science and Marketing"	

University of Montana	2015
<i>"Causal Inference is Hard"</i> , Panel Discussion	
Advertising Research Foundation	2014
<i>"Understanding Attribution"</i>	
Advertising Research Foundation	2012

DEGREE COMMITTEES

- Tina Cummins, MS in Economics, 2017, *Impact of local government revenue and spending during oil and gas booms in the Rocky Mountain States*
- Omid Khormali, Ph.D. in Mathematica Sciences, 2019, *Extremal problems for forests in graphs and hypergraphs*
- Hannah Leonard, MS in Forestry, 2020, *A Conservation Marketing Toolkit: Systematic Literature Mapping, Microtargeting Conservation Easements, and Conservation Corridor Prioritization*
- Nate Bender, MS in Forestry, 2022, *Call your elected officials: Identifying predictors and audiences for collective climate action*
- Madeline Damon, MS in Forestry, 2023, *INVESTIGATING INTELLECTUAL DIVERSITY: A CRITICAL EXAMINATION OF ACADEMIC PUBLISHING PRACTICES AND THEIR EFFECTS ON WILDLIFE CONSERVATION*
- Chelle Terwilliger, Ph.D. in Forestry, 2025, *A QUANTITATIVE APPROACH TO UNDERSTANDING COLLABORATION AND SUCCESS IN AN ENVIRONMENTAL SCIENCE TEAM*
- Tina Cummins, Forestry Ph.D., in progress
- Anna Marbut, Interdisciplinary Ph.D., in progress

LANGUAGES

English—native language
 Spanish—speak, read, and write with competence

MEMBERSHIPS

American Marketing Association
 American Statistical Association

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PRIOR TESTIFYING HISTORY OF JOHN CHANDLER, Ph. D.

1. ***In Re: JUUL Labs, Inc. Marking, Sales Practices and Products Liability Litigation*, Case No. 19-md-02913-WHO (N.D.Cal. 2019)**
 - Deposed in July, 2021; October, 2021; and May, 2022
2. ***The State of Alaska v. JUUL Labs, Inc., et al.*, Case No. 3AN-20-09477 (Alaska Super. Court, Anchorage 2020)**
 - Deposed in April, 2024 and July 2024.
 - Testified at trial November 6-7, 2024.
3. ***Iola Favell, et al. v. University of Southern California and 2U, Inc.*, Case No. 2:23-cv-00846-GW-MAR (C.D.Cal. 2023)**
 - Deposed in August 2024.
4. ***The State of Texas, et al. v. Google, LLC*, Case No. 4:20-cv-00957 (E.D.Tex. 2020)**
 - Deposed in October 2024.
5. ***In Re: Google Digital Advertising Antitrust Litigation*, Case No. 21-MD-3010 (S.D.N.Y.)**
 - Deposed in April 2025.
6. ***In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, Case No. 4:22-MD-3047 (N.D.Cal.); *In Re: Social Media Adolescent Addition (JCCP No. 5255)*, Case No. 22STCV21355 (Cal. L.A.); and, *State of New Mexico, Ex Rel. Raul Torres, Attorney General, v. Meta Platforms, Inc.; Instagram, LLC; Meta Payments, Inc.; and Meta Platforms Technologies, LLC*. First Judicial District Court, County of Santa Fe, New Mexico.**
 - Deposed in August 2025.

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MATERIALS CONSIDERED

All documents and sources referred to and cited in Dr. Chandler's report and its footnotes, including Bates-stamped documents, deposition transcripts, and other sources.

Discovery Responses

All available discovery responses produced within *In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation*, MDLCase No. 3084 (N.D.Cal.), including:

1. The Parties' discovery responses and objections to Interrogatories, Requests for Admission, and Requests for Production;
2. Incident Report Classification of Dominant Tickets for 2017-2024;
3. Supp. Info Provided by Defs. Pursuant to the Parties' Agreement (4/4/2025);
4. Incident Report Classification for 2023-2024; and
5. Declaration of Sunny Wong (9/24/25).

Deposition Transcripts & Exhibits

Deposition transcripts and exhibits within the matter of *In re: Uber Technologies, Inc., Passenger Sexual Assault Litigation*, MDL No. 3084 (N.D.Cal.) and *In re Uber Rideshare Cases*, Case No. CJC-21- 005188 (Cal. Super. Ct.), including:

1. Michael Akamine Deposition and Exhibits (5/19/25 and 5/20/25)
2. Brooke Anderson Deposition and Exhibits (05/01/25 and 05/02/25 and 5/6/25)
3. William Anderson Deposition and Exhibits (9/26/23)
4. Matthew Baker Deposition and Exhibits (11/13/24)
5. PMK (Emilie Boman) Deposition and Exhibits (3/5/25 and 4/1/25)
6. Tracy Breeden Deposition and Exhibits (3/13/25 and 3/14/25)
7. 30(b)(6) (Gregory Brown) Deposition and Exhibits (6/17/25)
8. 30(b)(6) (Gregory Brown) Deposition and Exhibits (7/15-16/2025 and 8/25-26/2025)
9. PMK (Gregory Brown) Deposition and Exhibits (3/13/25 and 3/14/25 and 5/7/25)
10. 30(b)(6) (Jamie Brown) Deposition and Exhibits (August 6, 2025)
11. Jordan Burke Deposition and Exhibits (3/20/25 and 3/21/25)
12. Faiz Bushra Deposition and Exhibits (5/13/25)
13. Philip Cardenas Deposition and Exhibits (2/26/25)

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- 14. Frank Chang Deposition and Exhibits (5/9/25)**
- 15. 30(b)(6) (Heather Childs) Deposition and Exhibits (6/5/25)**
- 16. Dennis Cinelli Deposition and Exhibits (3/28/25)**
- 17. 30(b)(6) (Chad Dobbs) Deposition and Exhibits (8/21/25)**
- 18. 30(b)(6) (Mariana Esteves) Deposition and Exhibits (7/15/25 and 8/28/25)**
- 19. Chadd Fogg Deposition and Exhibits (2/5/25)**
- 20. Cory Freivogel Deposition and Exhibits (12/10/24 and 2/6/25)**
- 21. Henry (Gus) Fuldner Deposition and Exhibits (3/26/25 and 3/27/25 and 4/29/25)**
- 22. 30(b)(6) (Todd Gaddis) Deposition and Exhibits (7/11/25)**
- 23. PMK (Todd Gaddis) Deposition and Exhibits (7/8/25 and 7/9/25 and 7/11/25)**
- 24. Catherine Gibbons Deposition and Exhibits (6/5/25)**
- 25. Ryan Graves Deposition and Exhibits (5/13/25)**
- 26. Andrew Hasbun Deposition and Exhibits (4/10/25 and 4/11/25)**
- 27. Cassandra Hawk Deposition and Exhibits (4/8/25)**
- 28. Jill Hazelbaker Deposition and Exhibits (6/17/25)**
- 29. Rachel Holt Deposition and Exhibits (12/12/24 and 4/9/25)**
- 30. Jordan Hornback Deposition and Exhibits (3/31/25)**
- 31. Nairi Hourdajain Deposition and Exhibits (2/7/25)**
- 32. Meghan Joyce Deposition and Exhibits (2/26/25)**
- 33. Roger Kaiser Deposition and Exhibits (11/19/24 and 4/22/25)**
- 34. Travis Kalanick Deposition and Exhibits (7/3/25)**
- 35. Sachin Kansal Deposition and Exhibits (5/28/25)**
- 36. Dara Khosrowshahi Deposition and Exhibits (7/1/25)**
- 37. Carly Lake Deposition and Exhibits (3/20/25 and 3/21/25)**
- 38. Jenny Luu Deposition and Exhibits (2/27/25)**
- 39. 30(b)(6) (Katherine McDonald) Deposition and Exhibits (4/25/25)**
- 40. Katherine McDonald Deposition and Exhibits (10/7/24 and 5/7/25)**

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- 41. 30(b)(6) (Hannah Nilles) Deposition and Exhibits (6/30/25)**
- 42. 30(b)(6) (Hannah Nilles) Deposition and Exhibits (7/10/25)**
- 43. 30(b)(6) (Hannah Nilles) Deposition and Exhibits (7/23/25 and 8/7/25)**
- 44. PMK (Hannah Nilles) Deposition and Exhibits (5/5/25 and 5/14/25 and 5/29/25)**
- 45. 30(b)(6) (Hannah Nilles) Deposition and Exhibits (August 7, 2025)**
- 46. Jodi Page Deposition and Exhibits (5/21/25)**
- 47. Katherine Parker Deposition and Exhibits (12/3/24 and 2/14/25)**
- 48. PMK (Rebecca Payne) Deposition and Exhibits (4/2/25 and 4/3/25 and 5/2/25 and 5/12/25 and 5/13/25)**
- 49. Andi Pimentel Deposition and Exhibits (10/15/24 and 3/27/25)**
- 50. Cameron Poetzsch Deposition and Exhibits (6/4/25)**
- 51. David Richter Deposition and Exhibits (2/24/25)**
- 52. Brad Rosenthal Deposition and Exhibits (10/24/23)**
- 53. 30(b)(6) (Elizabeth Ross) Deposition and Exhibits (6/11/25 and 6/12/25)**
- 54. Danielle Sheridan Deposition and Exhibits (5/15/25 and 5/16/25)**
- 55. Valerie Shuping Deposition and Exhibits (4/17/25 and 4/18/25)**
- 56. Nicholas Silver Deposition and Exhibits (11/21/24)**
- 57. Troy Stevenson Deposition and Exhibits (10/21/24)**
- 58. Joseph Sullivan Deposition and Exhibits (6/25/25)**
- 59. Michael Sullivan Deposition and Exhibits (3/26/25)**
- 60. Pat Twomey Deposition and Exhibits (5/29/25)**
- 61. Kayla Whaling Deposition and Exhibits (2/28/25 and 4/22/25)**
- 62. 30(b)(6) (Sunny Wong) Deposition and Exhibits (6/25/25)**
- 63. PMK (Sunny Wong) Deposition and Exhibits (4/16/25)**
- 64. 30(b)(6) (Sunny Wong) Deposition and Exhibits (7/23/25)**
- 65. Defendants' Uber Technologies, Inc., Rasier LLC, and Rasier-CA, LLC's Responses to Topics 3-15 of All Plaintiffs' Notice of 30(b)(6) Deposition of Uber Technologies, Inc., Rasier LLC, and Rasier-CA, LLC (Recordkeeping) with Exhibits (7/2/25)**

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Bates Stamped Productions, including:

1. UBER_JCCP_MDL_000149063
2. UBER_JCCP_MDL_000157026
3. UBER_JCCP_MDL_000157756
4. UBER_JCCP_MDL_000178095
5. UBER_JCCP_MDL_000190756
6. UBER_JCCP_MDL_000192643
7. UBER_JCCP_MDL_000194589
8. UBER_JCCP_MDL_000208167
9. UBER_JCCP_MDL_000212868
10. UBER_JCCP_MDL_000250291
11. UBER_JCCP_MDL_000250635
12. UBER_JCCP_MDL_000250691
13. UBER_JCCP_MDL_000253977
14. UBER_JCCP_MDL_000258239
15. UBER_JCCP_MDL_000260133
16. UBER_JCCP_MDL_000303417
17. UBER_JCCP_MDL_000326520
18. UBER_JCCP_MDL_000420202
19. UBER_JCCP_MDL_000479545
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